

New Directions in Planning:

Beyond Localism

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November 2013

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Editor’s Note

The contributions in this collection have been produced by a wide range of commentators with considerable expertise in, and engagement with, planning and the planning system. In the spring of 2013, they were invited by Roberta Blackman-Woods MP, the Shadow Minister for Planning (and Visiting Professor at Northumbria University), to offer their thoughts as part of a Labour Party review of planning policy. The views expressed in this collection are the views of the authors and editors and not those of their organisations.



Foreword:
Roberta Blackman-Woods, MP

This publication was commissioned to put ideas into the public domain that might help a future Labour administration develop planning policies that are fit for the 21st century.

The idea for the report came out of a series of discussions with key stakeholders in the sector who acknowledged that over recent years the role of planning has often got bogged down in the detail of development control, leaving the more dynamic, visionary approach to planning understated and often simply absent from critical discussions in local authorities.

Similarly plan making that should be a dynamic, iterative process with community engagement at its heart, is often lost in the detail of technical documents and requirements. That is not to say that technical advice and clarity is not necessary but it is to argue that it is not sufficient.

Many contributors rightly argue that planning needs to return to its visionary principles and be about planning the places people will want to live in not just now, but that are sustainable into the future too.

Starting with an excellent introduction by Keith Shaw and Jonathan Blackie, the report goes on to highlight the importance of rebalancing planning away from narrow interests to a more progressive planning system, seeks to challenge the way the system currently works, and argues for a better alternative that puts caring for the environment, social inclusion and community based planning more centre stage.

I hope this publication contributes to the debate about the role planning should play in our society. It should also assist those who argue that planning should be, and should be seen to be, a positive tool in shaping the communities of today and tomorrow.

Roberta Blackman-Woods, MP, Shadow Minister, Communities and Local Government



Preface:
Hilary Benn, MP

I want to thank Northumbria University for bringing together this set of essays and all the authors for their extremely well informed and enlightening contributions on the issues facing the planning system.

An essential role of planning in our society is to balance often competing interests in the allocation and development of land. This creates a number of challenges – not least how we get people to engage with a planning system that often seems bureaucratic, technical and something they have to get around, rather than delivering a way of agreeing a shared vision for the future of an area.

We look forward to working with you as we seek to create a system that is able to meet the development needs of the 21st century

Hilary Benn, MP, Shadow Secretary of State, Communities and Local Government

1. Introduction:

New Directions in Planning: Beyond Localism

Keith Shaw and Jonathan Blackie: Department of Social Sciences, Northumbria University.
‘The Planning milieu is one long gun-fight at the OK Corral’ (Davis, 1972: The Evangelistic Bureaucrat)

The Contested Nature of Planning

Jon Davis’ elegant judgment on planning conflicts in 1960s Newcastle still serves both as a salutary reminder of the essentially contested nature of planning and as a rejoinder to the view that the planning process has the capacity to eliminate conflicts through non-political, technical judgments by the ‘expert’ based on extensive analysis of data. Instead, we can view planning (and the planning process) as being at the heart of debates over what sort of society we wish to live in. This in turn, leads to a number of key questions as to how we distribute scarce resources, how we meet the needs of different communities, how we protect the environment, and crucially, how we allow ordinary citizens to have a real say in the way their communities are planned and developed.

In terms of the latter interpretation, we can view the experience of post-war planning in England, certainly after the 1947 Town and Country Planning Act, as being characterised by a number of tensions, dilemmas and conflicts. Indeed, whatever the different approaches and planning doctrines followed by successive governments in this period (from ‘top-down’ master planning after the second world war, through public sector-led planning in the 1970s, the market-led approach in the 1980s, to the more recent ‘place-making’ approach), a number of key questions remain as highly contested, unresolved, and serve as a constant reminder of the inherently political nature of a planning process that has to adjudicate between a range of competing, often opposing interests.

Such tensions, inherent in post-war planning in England, have been well covered by commentators and include a number of dilemmas that no planning system will ever completely remove: as they are fundamentally about Governments having to make a political choice between competing visions of society and define the values that should underpin social and economic change. Indeed, debates on the spirit and purpose of planning - whether viewed in terms of conservation v development, economic growth v environmental sustainability, ‘top-down’ v ‘bottom up’ approaches or market-led v state-led planning – remain central to understanding the contemporary challenges facing any government.

However, according to the particular challenges of the period, the dominant political ideology of the time, changing professional practice and the influence of a variety of interest groups, different governments have struggled (often unsuccessfully) to resolve or even to balance out these tensions and ambiguities. Governmental approaches to planning have also suffered from internal inconsistencies, changes of direction mid-administration, and a considerable gap between political rhetoric and reality. Given these factors, it is not surprising that there has been a lack of any real political consensus on planning - and the planning process – leading to a situation where planning seems to be in a constant state of flux.

Planning after 1997

The approach of the post-1997 Labour Government involved a reassessment of the UK’s planning system, particularly in relation to spatial planning. As well as planning powers being passed down to the devolved administrations within the UK, a regional planning structure was introduced in England through the introduction of Regional Spatial Strategies and Regional Economic Strategies. As part of the move to a more integrated or holistic approach (where land-use planning was brought together with other socio-economic planning imperatives) the two regional strategies were eventually amalgamated and became the Integrated Regional Strategy (IRS) developed jointly by Regional Development Agencies and Local Authority Leaders Boards. Feeding into this process were local authority-produced Local Development Frameworks.

This integrated approach to spatial planning also underpinned the post-1997 Labour Government’s Sustainable Communities Plan, its emphasis on the statutory duty to contribute towards sustainable development, and its aim to create sustainable communities. This focus was influenced by Richard Rogers 1999 report, ‘Towards an Urban Renaissance’, which also shaped the emphasis on the reuse of ‘brownfield’ sites (‘brownfield first’) rather than greenbelt

encroachment. Post-1997, there was also a strong emphasis on a more fluid sub-national planning approach, where other spatial levels were established for development purposes. These included four ‘growth’ areas: namely Cambridge/Standed; The Thames Gateway; Milton Keynes; and Ashford in Kent. In relation to the North, new approaches included the pan-regional Northern Way (covering the North West, North East and Yorkshire and Humberside), while the North’s problem with low housing demand was recognised with the creation of a number of Housing Market Renewal areas. Finally, the Infrastructure Planning Commission (IPC) was created with the power to approve major infrastructure projects.

The arrival of the Coalition government, in May 2010, marked (yet) another change in direction for the planning system, and with it a commitment to undo many of the approaches developed since 1997. In their 2010 ‘Agreement’, the Coalition Government announced that they would: introduce a simplified and consolidated national planning framework; abolish the regional planning structures, plans, and targets; give neighbourhoods a greater say in planning decisions; abolish the IPC; and protect the green belt and green areas of special importance to local communities. Subsequently, a raft of measures has been introduced. These include:

- The consolidation of planning policy within an overarching National Planning Policy Framework (NPPF)
- A number of steps to simplify and speed up the planning process (for example, allowing businesses and home owners to extend their premises by 6m without having to get planning permission)
- The Localism Act 2011 created new community rights such as: the right to bid; right to challenge; right to build; community asset transfer; and the right to draw up Neighbourhood Development Plans. The latter involves allowing neighbourhoods to feed-in to the local authority’s Local Plan by submitting a Neighbourhood Plan that can be voted upon in a local referendum
- A ‘duty to cooperate’ through which neighbouring councils would work together on planning issues that reflect wider shared interests, such as transport networks, flood protection and the development of major retail parks
- Giving new powers to the Planning Inspectorate to take over the role of making planning decisions in an area if the local authority has a record of consistently slow or poor quality decisions
- Introducing a ‘presumption in favour of sustainable development’ which exhorts local planning authorities to approve all proposals from individuals and businesses to build homes and other local buildings provided that they conform to national standards, the local plan, and pay a tariff that compensates the community for loss of amenity and costs of additional infrastructure.

In responding to some of the dilemmas and tensions inherent within the planning system, the Coalition government changes thus aim to: decentralise powers (‘localism’); cut ‘red tape’; reduce regulation; end the ‘target culture’; and ‘roll back’ the planning system so as to enhance private sector-led economic growth.

In a context where many of the assumptions underpinning planning remain essentially contested, it is not surprising that the post-2010 approach has been subject to a number of criticisms. Three areas in particular can be highlighted.

Firstly, it has been argued that government’s ‘localist’ approach is more rhetoric than reality. In contrast to the promise of the 2011 Localism Act, the more recent Growth and Infrastructure Act 2013, is much more about centralising power through the widening of national decision-making on infrastructure schemes and measures to deal with ‘poorly performing’ local planning authorities. While the Government’s insistence - that councils have their local plans in place in 12 months - despite the new challenges of extensive consultations and the possibility of a neighbourhood referendum, seems both unrealistic and centralist in nature.

Secondly, the ‘bonfire’ of regulations, and the desire to speed up the planning process, has led to criticisms of a ‘free for all’ that could have a series of negative impacts on local community cohesion and sustainability. One measure, the right of homeowners to erect extensions without their neighbours having the right to object, has been shelved after protests: including those from a number of Government backbenchers. However, changes have been made that make it easier for betting shops and payday loan companies to open up premises on high streets. For a number of observers, this adds to the unbalanced nature of shopping provision on the high street and sits uneasily with the growing problem of indebtedness in many of our communities.

Thirdly, considerable concern has been expressed about the ‘presumption in favour of sustainable development’ proposal in the NPPF. For some, the terminology is contradictory and confusing. In conventional usage, sustainable development is rooted in environmental protection, habitat preservation, reducing carbon footprints, and recycling brownfield land. However, the Government’s emphasis on ensuring that homes and job creation take priority (and should be fast-tracked) is of concern to many who wish to protect the green belt and reduce urban sprawl. For some, underpinning this ‘developers charter’ is the dominant Treasury-led view that planning is the problem as it prevents the private sector-led growth necessary to rebalance the economy.

New Directions in Planning

This collection of think-piece reviews, from a range of academics, professional planners and architects, local government networks, voluntary and community sector bodies, business organisations, and amenity and nature bodies, was produced under the auspices of an initiative by Roberta Blackman-Woods MP, the Shadow Minister for Planning. Rather than a group primarily drawn from within the Labour Party (two contributors are also Labour local councillors, for example), or articulating a narrow party viewpoint, the focus of the initiative was to ask a diverse group of individuals to think creatively about the challenges facing planning and planners in the future, and how a future Labour Government should respond to these challenges. Some of the contributors (such as Patrick Clift in Chapter 14 of the collection) responded specifically to the Party’s 2013 policy review document (Helping our High Streets: Empowering Local Communities), while others focussed on particular aspects of the post-2010 planning regime and how these should be reformed, recast, or indeed, abolished. Many contributors recognise that the increasing political salience of - and public interest in - planning issues in recent years means that the policy area is likely to be an important debate in the run-up to the 2015 General Election. As Neil Sinden notes, (in Chapter 7), ‘People are increasingly concerned about the quality of the places in which they live and work, and the places they visit’.

The wide-ranging reviews included in this collection go beyond a short-term critique of present approaches to planning to consider how some of the more deeply-ingrained tensions and dilemmas (noted earlier) might be tackled. In beginning this debate, the contributors all place planning at the heart of the question on the sort of society we wish to live in and, in doing so, remind us that new innovative and creative approaches to planning can be genuinely bottom-up, risk taking and radical. In doing so, they also espouse a view of planning that goes beyond governmental structures and regulatory processes and in doing so, invite an incoming Labour Government to provide clear, honest and transparent national leadership on planning policy.

Crucially, this would include promoting an ethos that recognises that planning is not an unnecessary obstacle to economic growth, but is essential to long-term economic and social well-being. For one contributor, this involves highlighting that, ‘countries which have strong and consistent regulatory frameworks for land and urban development are strong economic performers’ (Tim Marshall, in Chapter 2). Other contributors are clear that it is vital to ‘end the tone of derision towards the planning profession’ and that it is the planning ‘system’ (and not planners themselves) who should be blamed for the failure to deliver the amount of new housing required: hence, ‘political recognition’ of the need to change the system is essential if the situation is to improve (Ed Turner, in Chapter 8). For Bob Colenutt, (writing in Chapter 12),

‘Attacks by politicians, the media and the development industry on “the planners” do not encourage the public to see the value in public service planning, or to encourage community involvement. It should be Labour’s task to re-instate the concept of the public interest and of public service into the planning system. Demonisation of planning has fed widespread cynicism in communities about public consultation over planning issues whether conducted by central government, local government or private companies’.

A number of contributors also highlight how a new ‘pro-localist’ approach should see the community as an essential partner in the delivery of planned and sustainable economic development and hence, would involve a commitment to a genuine localism which empowers both local councils and their communities in a genuine transfer of powers from the centre. For Ian Harvey, (writing in chapter 15), enhancing the civic voice in local planning can be achieved through introducing a more precisely defined community right of appeal against developments which conflict with the neighbourhood plan, ensuring stronger enforcement against breaches of planning control, and providing a community right to recall, where ‘local councils or MPs do not, or are reluctant to, genuinely devolve power to neighbourhoods and share information’.

However, while it is crucial that local communities (in partnership with local councils) play a central role in the planning of their neighbourhoods, achieving the appropriate balance between local and national interests remains as a key challenge. As Clyde Loakes and Jessica Studdert argue, when there are issues where national interests need to prevail (such as in building homes in places to stimulate economic growth), the planning system ‘needs to provide a transparent and democratic way to strike the right balance’, and that ‘National Government should not hide behind the Planning Inspectorate when difficult decisions need to be made. People expect leadership on matters of national importance’ (Chapter 11).

The importance of a more co-ordinated and strategic approach to planning is also highlighted. Alister Scott (in Chapter 4) argues that the lack of a coherent spatial planning process in England produces ‘disintegrated development’ where no one body is able to co-ordinate the myriad of plans and decisions. To integrate planning, ‘we now need government, planners, built environment professionals and local politicians to move out of their sectoral silos where disintegrated development is the norm, into effective partnerships that increasingly cross the scales and sectors of policy and

decision-making’. Other contributors also point to the fragmentation of the planning system, and the importance of aligning ‘decision making on infrastructure investment with decision making on land-use decisions’ (Richard Blyth, Chapter 6).

A number of contributors also highlight the importance of rebalancing planning away from the narrow interests of developers. For both Bob Colenutt, (Chapter 12) and Alister Scott (Chapter 4), the use of viability as a primary test of planning cases seems to be based solely on developer-led interpretations which undermines the very basis of a public planning system and has serious implications for the delivery of equity and social justice. Indeed, the social dimension is often forgotten in the polarised debates between pro-growth (economic) and anti-growth (environmental) interests. For two contributors, a future Labour Government ‘should be a strong advocate of the social purpose of the planning system and reinforce its contribution to providing a more equitable society’ (Clyde Loakes and Jessica Studdert, Chapter 11). While for Duncan Bowie, (in Chapter 10), planning ‘should seek to reduce spatial inequities, minimise spatial social polarisation and aim for spatial equity’.

In a similar vein, there is agreement that a more balanced approach to sustainable development (rather than the present economic focus on increasing GDP) should be at the heart of an effective planning system. This should be reflected in a much more environmentally and ecologically informed planning system employing, for example, a ‘Smart Growth’ model (Neil Sinden, Chapter 7) or by the promotion of ‘Ecological Localism’ which aims to meet the challenge of biodiversity loss by placing biodiversity and green infrastructure at the heart of community plans (Simon Marsh in Chapter 5). Issues of balance also inform the debate on the spatial dimensions of new house-building for example, and the importance of a new Government clearly recognising the need to promote housing growth outside of London and the South East.

Continuity or Change?

In terms of the emphasis on continuity, some contributions acknowledge the importance of not changing all of the post-2010 planning landscape: a period of stability is needed to restore confidence in the system. In this context, the key challenge for an incoming Labour Government is not to undertake yet another radical overhaul of the system but to ‘set out a clear separation of plans at different tiers of governance’ (Clyde Loakes and Jessica Studdert, Chapter 11). This could include refocusing and strengthening the Neighbourhood Development Plan (NDP) process in order that it could be part of a genuine community empowerment strategy in disadvantaged areas. For Geoff Vigar, changes within the procedures, practices and resourcing of NDP work could see local councils providing greater support for ‘communities in real need and without access to money and professionals’ (Chapter 13).

There is also a widespread acceptance that that there will be no quick return to a regional strategic planning approach, with a sub-regional approach based viewed as a feasible step, in the short term at least. The espousal of such a sub-regional approach, in Lord Heseltine’s 2012 report, No Stone Unturned, and in the subsequent Treasury response, chimes with the views of those contributors who argue that strategic planning (covering functional economic areas and housing markets for example) is necessary over areas wider than single local authorities and that the existing ‘duty to cooperate’ is an inadequate basis for ensuring collaboration. The exact nature of this ‘larger than local’ approach is still the subject of debate however. For some, the need to ensure that there is democratic accountability at this level means that directly elected authorities, not the Local Enterprise Partnerships (LEPs), should be in control. Others are similarly against using LEPs (and their boundaries) for this purpose as they operate ‘at too small a geographical scale, whilst their primary economic remit and lack of strategic focus would inhibit their effectiveness.’ (Stephen Hodder, Chapter 3). Suggested alternatives for strategic planning bodies include the creation of ‘one-off’ Joint Local Authority Planning Committees to see through large sub-regional infrastructure projects (such as airport extensions), and more formal city-region joint or combined authorities which would have responsibility over planning, housing and economic development (with county councils fulfilling this role in other areas).

The contributions to this collection also contain a raft of new, more radical, suggestions for changes in planning and the planning system. These include:

- The development of a new generation of Garden Cities and New Towns (Kate Henderson and Hugh Ellis in Chapter 9)
- The development of a National Spatial Plan for England which sets spatial priorities for funding of infrastructure, transport, housing and employment generation
- The requirement to develop sub-regional Strategic Housing Market Assessments
- The change in the business rates regime and patterns of property ownership on our high streets

- The development of a more coherent and joined-up approach to how planners and planning operates in the context of the urban-rural fringe
- A new approach to the use of public land which should both provide a greater incentive for councils to bring development forward themselves, and a much stronger, more strategic, approach to the sale of land to the private sector.

But perhaps the overarching theme of this collection – and the main challenge for an incoming Labour Government – is to recapture and recast the ideas and philosophy of previous approaches to planning in a modern idiom. Planning needs to regain its ‘mojo’: to return, and reflect on, the original purpose of planning and the promise contained in the post-war Labour Government’s Town and Country Planning Act in 1947. From this perspective, planning is not just a vehicle for regulating development or ensuing integration, but a purposeful activity through which communities and their elected representatives can create a better and more equitable society. Planning is about the country we could be, and should be.

One of the contributors to this collection captures concisely the challenges facing any new Labour Government when he argues that the priority

‘...is not to embark on another programme of wholesale planning reform but to bring about a culture shift which places a greater emphasis on the quality of place and addresses the imbalance between the economic, social, environmental and cultural roles of the planning system. The next government needs to be bold. It should recognise the crucial role that local government can play in delivering a new settlement and support it in doing so. It should acknowledge the importance of civic engagement in the planning process but not see bottom-up planning as the answer to every question. It must create a shared set of values which run through the system and are inclusive of the stakeholders who interact with it’ (Stephen Hodder, Chapter 3).

2. The Purposes of Planning

Tim Marshall: *Department of Planning, Oxford Brookes University.*

Introduction

Much of what follows here, on some suggested policies for strategic and higher levels of planning, will be about setting up better processes than exist at present. However, like most planners, I am very strongly aware that the main battles at present are about the substance of planning policy. Within this, the core question is about planning’s role in relation to “growth”. Some commentators seem to take this as a simple issue, and use it as a hammer to attack planning and regulation. It is to be hoped that the Labour Party will take a more intelligent approach. “Growth” is not a simple idea. There is no evidence base which shows planning to hold back the forces (in fact also unknown) promoting “growth”. If anything, an international comparison would suggest the opposite, that countries which have strong and consistent regulatory frameworks for land and urban development are strong economic performers. However, this is also hard to establish reliably. It might be more plausible to argue that true long run economic success - defined as the sort which promotes general well-being - is associated with high levels of societal satisfaction, low social inequality, and improving environmental standards.

These points are directly relevant to the approach parties take on planning, especially now. “Growth” in the currently used sense is not at all equivalent to what most people are looking for from a better government. Such a sense suits some powerful business interests, and many politicians in the present government assert this equivalence – “growth” and “competitiveness” are imagined to be the same as jobs, economic stability, not risking another financial crisis, more social opportunity. Such an elision is especially problematic for areas like planning, which have always been about weighing up differing priorities and pressures. Economic goals, for most citizens, sit alongside a wide range of matters – good public services, getting around more easily, improved quality of life and surroundings, people getting on better with each other. Good planning will contribute to all of these goals, if given a chance, but if “growth” is named as the primary and dominating goal, planning will immediately lose much of its point, and will risk continuing loss of public support.

In relation to processes and the institutional architecture of planning, what is proposed here is setting up a framework which will facilitate the movement towards better futures for all sorts of places and environments, above all by using democratic techniques and understandings. This should have a strong planning component. Such a component is now virtually non-existent in much of England, with the district level being far too low down to have much impact on the most powerful forces at work, which operate normally at least at travel to work scales, that is in areas 30, 40 or 50 miles across. The need for such planning above the level of local districts is not developed further here. It is to be hoped that it should be self-evident to anyone with a broad progressive social, environmental and economic programme. However, relevant arguments can be found in Glasson and Marshall, (2007), Marshall (2012) and Swain, Marshall and Baden (2012) including more detail on both the cases for national and strategic planning, and on proposals in the major infrastructure area. This contribution confines itself to England - the rest of the UK has quite different planning frameworks and to a significant extent different policies – and to strategic and national planning, and dealing with major infrastructure projects. The recommended approach has the following components.

Reinventing a strategic planning framework under democratic control.

The exact nature of the strategic planning framework can be flexible, but the core ingredients should be such as to confer public legitimacy, which means giving control of strategies to elected authorities, not to bodies like LEPs. LEPs may in some areas have some support, largely because their agendas are steered by the stronger councils in their areas. But in principle the Labour Party should give no support to such bodies, which have no democratic legitimacy. Where possible, joint authorities of the Greater Manchester type should have responsibility for such planning frameworks. Otherwise, collaborating associations of authorities, often led by county councils, will have to suffice. That counterproductive and irrelevant invention, the “duty to cooperate” should be abolished.

Each sub-region should be required to prepare binding statutory plans for their territories. These may be in many cases on LEP boundaries, but some of these are unwieldy for most public policy purposes, and certainly for planning, particularly given that some councils are in more than one LEP. Often the best boundaries would be existing counties

(joining with associated unitaries). These plans would bind lower level planning by districts, which in turn would bind neighbourhood planning. These plans should be used, once drawn up, to allocate resources, whether from a “single pot” or from different ones (such as transport or economic support). So they will need to be focussed on these implementation issues, but set this within long term economic, social and environmental frameworks. They should be integrated strategic plans, put together with full public involvement: Strategic Development Plans. There is no reason why they cannot be produced quickly, using the full range of contemporary technology for involving the public, but clearly adequate resourcing of local authorities will be needed for the task.

Initially, no return to regional planning

Therefore I would advocate, for now, putting the energy of government, at all levels, into this strategic level, which would probably result in a number of planning areas similar to the number of LEPs (currently 39 in England). At some point in the future, the need for wider planning below the level of the whole of England will almost certainly be grasped again. Outside southern England (the three regions East, South East and South West), the need for regional planning of the kind recently abolished may well be already understood. Where such regions (such as in the west midlands, north east) wish to draw up “light touch” non-statutory regional strategies, they should not be prevented from doing so, and some limited resourcing should be given them to rebuild some capacity for this purpose. In particular there is a pressing need for the reinstatement of systematic data collection on a regional basis. This applies to certain key data series. It would require modest funding of regional observatories, probably based in LGA bodies where these have maintained coherence and capacity. For the sake of continuity, the standard regional boundaries should no doubt be used for such data collection purposes: simply for data collection, the problematic nature of these boundaries in southern England is not an issue.

National level planning

Even when regional planning existed in England, there was a strong case for some kind of national spatial framework. Now the case for this is stronger, especially with the higher profile given to infrastructure programming. The Labour Party should take the National Infrastructure Plan (NIP) idea, and extend this to become a guide to geographical steering, helping the allocation of public funding, within a coherent set of national objectives, looking to the long term. For this purpose, the NIP must be taken out of the Treasury – which would naturally maintain its infrastructure investment support role. The NIP should be prepared in a central unit, giving fair access to all relevant ministries. A planning capacity should be created on a long term basis, working with universities, to provide proper data and analysis of national trends. This fits with emerging academic research work on infrastructure management and investment, which stresses the need for cross sectoral working, bringing together regulatory, investment and collaborative instruments. This should be as much informed by environmental and social goals as economic ones. Social and environmental justice should be as much at the core of a national spatial framework / national infrastructure plan (the two should be run into one) as boosting economic performance.

The content of a national planning framework should have a broad base, considering all relevant issues which work at the large scale, with critical economic balance and environmental protection issues no doubt at the head of the list. The analysis would be just as important as any policies. Such work creates its impacts as much by producing good evidence of trends and options as by setting nationally determined policy directions, though in some key areas, that would be needed (such as big transport investment, climate change responses, nationally significant economic investment). In Germany for example a spatial planning report is produced every four years, and has its impact by providing a factual basis for lower level governments and each ministry to explore their options, rather than setting a single path at federal level (in a federal state, such direction would be impossible, in most policy areas). The report is debated in Parliament, contributing to the understanding of policy makers, and building a national consensus on the range of key challenges the country faces. In England, something more directive is needed in some policy areas, but the general principle of developing a continuing national conversation, on a rich evidence base, as against a purely directive plan, applies.

The unit preparing such a strategy for England should work collaboratively, using the lessons of deliberative democracy. Here the best model is France, which has built up experience in how to organise national debates. I would suggest that the Labour Party should commit itself to preparing this framework in a collaborative way. The final national planning framework would be built in this way on solid foundations, especially for the three key bases for energy, transport and the economy. Each of these three key areas should be tackled by holding national public debates: on (as in France at present) the energy transition (that is, the long term national approach to energy provision and consumption), on the national transport future, and on a strategy to rebalance the economy.

All of these would need to be given proper support. It is not a matter of offering an open call for ideas. First, a governmental effort is needed to establish real possible alternatives, then a public debating phase, fully informed by government and university intelligence, and with strong sub-national components, then bringing results into the centre again, using Parliament in particular more creatively, particularly the relevant Select Committees. If long term legitimacy is to be secured, more than one iteration may well be needed. Compared to the cost of infrastructure schemes such as HS2 or new power stations, the cost of such an approach to national strategy will be minuscule. The results of the key national debates should then feed into the making of the national planning framework. Such a collaborative approach should be maintained through the Parliament, not dropped at the first hint of difficulties. The Conseil d’Etat in France has been advising on the development of such a model in France for over a decade, and could surely help to develop the approach.

Infrastructure project decision making

The last Labour government created the present trend to centralise decision making for major infrastructure. Not surprisingly the present government has started adding other elements of centralisation (in the Growth and Infrastructure Act 2013). The next Labour government should stop this powerful centralising trend, and give resources and respect to local government, the right home for responsive and democratic decision making. Given that there is little likelihood of removing major infrastructure projects within the 2008 Planning Act definition from central decision making, that regime should largely be maintained as it is, as amended by the 2011 Localism Act. However, the key tools in the 2008 Planning Act, the National Policy Statements, should be totally revised, to make them consistent with the national geographical framework referred to above. At present they are weak instruments, incapable of steering towards low carbon and more balanced futures. Once inserted within an integrated national planning framework, as prepared above, they can gain their real potential. In each case fully integrated approaches should be used, for energy, transport, water and waste. The national debates on energy and transport should feed directly into the production of NPSs, so that they too emerge from a collaborative policy model, not the way in which the present NPSs materialised - these were and are almost unknown to even well informed British citizens. Again the Parliamentary Select Committees could be adapted to have a core role in such production, moving round the country and convening public forums in all sorts of virtual and actual venues.

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3. Better places, better lives: making planning work for people

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Introduction

In the midst of the deepest recession in a generation, with Britain's infrastructure creaking and the housing shortage affecting people at all levels of society, planning has risen quickly up the political agenda. The planning system has been identified as a contributing factor to England's economic woes and a barrier to tackling the challenges the country faces in connecting, housing and providing energy for its growing population.

The current depiction of planning system as a barrier to growth is unhelpful and misunderstands its economic role. However, deep-rooted problems still remain. These problems are the product of 30 years of neglect and inconsistent reform which have steadily chipped away at and undermined some of the principles upon which the system was built. Planning has lost the creative, visionary agenda brought about by the reforms of the 1947 Town and Country Planning Act. The disintegration of skills in planning departments combined with a steady stream of central government dictats have fostered a risk averse, bureaucratic tick box culture in many authorities. Planning has become too one-dimensional and overly focused on development control rather than facilitating the delivery of high quality places for people to live, work and play.

If returned to government in 2015, the challenge for Labour will, therefore, be to forge a new politics of place. It must reignite the spirit of 1947 and create a framework for planning that promotes a collective value of our built environment, as well as facilitating the new development that will be so crucial to kick-starting the economy. There is no greater challenge for planning than in recalibrating the system to ensure it encourages and delivers better quality, more ambitious design in place-making. For too long design has been considered an appendage, an afterthought within the planning process, the implications of which can still be seen in many communities across the UK today.

Yet we have not fully learnt the lessons of the past or taken the action necessary to ensure they are not repeated in the future. Too many poor schemes still slip through the net and the system too often favours mediocrity over innovation and creative solutions. The way the planning system values and interprets design needs to change. Design does not mean decoration. Design allows you to solve multiple, often complex problems, balance a wide range of needs and interests and do more with less. It lies at the heart of economic efficiency, long term value and strong, participative local democracy. By investing in design, there is a clear community payback, so we must utilise it as a tool to create resilient and sustainable places that deliver social and economic returns for people and business alike.

If we are to recapture the progressive founding principles of the planning system and produce a more balanced and equitable approach to development, there has to be a move away from the current culture beholden to a short sighted and highly speculative economic agenda. Having to retrofit good planning into a framework primarily shaped to encourage development, often at any cost, is leaving us with poor quality places. If Labour wins in 2015 and aspires to succeed in creating a culture of togetherness, it has to ensure the planning system works for people first, delivering quality of life and civic engagement through great places.

Labour's record

Poor standards of design in the built environment have long been recognised by Government and attempts have been made to raise the bar. Undoubtedly, one of the biggest influences on planning and development in England in recent times was the 1999 Urban Task Force report; 'Towards an Urban Renaissance' commissioned by the previous Labour Government and overseen by Richard Rogers. This was the closest England has come to having a national policy that promotes good places and helped shape planning policy for a decade. The Urban Renaissance, driven forward by Regional Development Agencies, CABI and the Architecture Centre network, enabled a sophisticated national urban design framework of policies, processes and techniques that attached a high profile to design in planning practice.

These institutions, coupled with the duty to promote good design outlined in the 2008 Planning Act and the strong policy on design within PPS1, is evidence of the previous Labour Government's commitment to improving design quality. Yet a disconnect remains between the good intentions of government policy on design and the reality of delivery on the ground.

Reflecting on what was delivered during the boom of the early 2000's paints a varied picture. Even among the major cities, quality was not improved on anything like a wide enough scale. Certainly our cities have become more civilised in general, attracting people back to live in the urban core and improving the public realm considerably. Alongside this, however, the associated legacy appears to be a plethora of poor quality, speculative inner-city apartments and increasingly privatised public space. Much of this urban housing is too small, poorly massed, and cheaply finished; ignorant and insensitive to the needs of modern homebuyers. The renaissance was only partly fulfilled and in some respects distorted.

Coalition Government reforms

The Coalition Government came into power with a localist agenda and a determination to remove the excesses of regulation and bureaucracy within the planning system. The reforms made through the Localism Act and the National Planning Policy Framework (NPPF) were commendable on the most part. Giving communities a greater say in the planning process and greater opportunity to bring development forward themselves was the right response to a planning process which often only provided communities with the opportunity to say "no". Similarly, the broad thrust of the NPPF and in particular the strong policy on design and recognition of the role of design review within the planning system is to be praised.

However, the NPPF is heavily skewed towards the interests of developers over those of the public. The decision to entrench financial viability at the heart of decision-making is having a particularly pervasive impact, embedding a short-termism at the heart of the system which overrides any recognition of the longer-term costs that poor development will bring to communities and the public purse.

The rules on viability are increasingly undermining the ability of councils to take decisions which promote sustainable development and this has been compounded further by the dismantling of the infrastructure needed to promote good design outcomes. The abolition of the Regional Development Agencies and CABI, coupled with deep cuts to planning departments, has left a void in design expertise and capacity. Local authorities are now stuck between a rock and a hard place: without the resource and skills to take a proactive, positive approach to help deliver high quality places and under increasing pressure to ensure that development is delivered quickly.

Central Government leadership

Whilst Labour should consolidate the Coalition Government's reforms at a community level, it must not abandon the idea that the state can play a proactive and positive role within the planning and development process. It should recognise the limitations of the state, must avoid overly prescriptive intervention, but not surrender the process solely to the market or see planning at the micro level as a panacea.

Whilst the NPPF was successful in rationalising policy it does not, on its own, provide a strong enough vision or any clear sense of direction on England's future development. A top priority for Labour, if elected in 2015, should therefore be to produce a clear national framework for place-making, incorporating a clear strategic vision which informs the production of a national spatial plan.

As in other European countries, England needs a strong statement of intent and a clear strategic framework for the future of places. This framework would provide a national, unifying vision which sets out a long-term agenda to achieve quality of life through quality of place. It would need to be based on shared values – identifiable, universal values that affect the quality of life and quality of the built environment. It also has to forge a clear consensus across Government, the wider public sector, built environment professionals and the public as to what exactly we mean by 'design quality in place-making'. This should be a high-level, non-prescriptive vision, similar to the architecture policies used elsewhere in Europe, which would inform the way Government approaches the built environment across all departments. It would also have to be intrinsically linked to the Government's overall economic strategy, to ensure that the long-term value of a high quality built environment informs long-term economic considerations.

This kind of ambitious, long term strategic vision should inform a national spatial plan which should be the first step towards identifying long-term strategic objectives for national infrastructure, identify key future growth areas and build upon sub-regional growth strategies in a single unifying document. This would be underpinned by future demographic, economic and environmental trends and objectives and accompany the NPPF. Sitting alongside a strategic vision for place-making, the national spatial plan would provide both clarity and robust development principles to steer localised plan-making in the national interest. It would provide greater certainty for city regions and councils looking to plan and

businesses looking to invest. Crucially, a spatial plan and strategic vision would also present a clear picture to the public of how the country will develop in the medium and long term and the aspirations of Government to create world class, resilient places.

Larger-than-local strategic planning

Labour should not be afraid to explore the crucial sub-national link between top level strategic direction and local plan making. The UK lags behind our European neighbours when it comes to a strategic sub-national planning mechanism. The Regional Spatial Strategies were considered too divisive, imposing top down targets with a lack of localised perspective which created inflexible structures that many communities riled against. But since their abolition there has been a void between the local and the upper tier of Government that needs bridging. The Duty to Co-operate introduced through the Localism Act, in contrast, is too flimsy and is not a strong enough mechanism to encourage genuinely strategic planning above the local level.

There is little appetite for the re-introduction of RSS' but it is clear that joined-up thinking is needed to create an economic, social and environmental eco-system that supports and connects key population centres. Effective strategic planning will reduce cost, promote efficiency in public expenditure, reduce conflict, protect the environment and promote the right kind of development in the right place. The strategic planning of a range of social, economic and environmental infrastructure would fill the planning vacuum and the subsequent lack of commitment and clarity presented by the Duty to Cooperate. The ambition should be to provide a link between high-level national policy and local planning strategy by coordinating a sub-regional strategic tier involving local authorities, stakeholders.

Both LEPs and city regions have been suggested as the obvious vehicles for a larger-than-local approach to planning, yet both have their drawbacks. In many areas LEPS operate at too small a geographical scale, whilst their primarily economic remit and lack of strategic focus would inhibit their effectiveness. Meanwhile city regions – some of which already have strong strategic oversight on issues such as transport – would seem a more natural fit. However, the performance and scale of ambition of city regions is mixed.

As at the national level, there is a need to ensure that strategic and spatial planning at a sub-regional level is complemented by a strong vision and sense of direction in place-making. This could be delivered by forming new 'Local Development Alliances' which could bolster democratic Local Authority, City Region and LEP representation with other essential skills in a light-touch, localised and possibly temporary way. Local Development Alliances could involve key organisations such as the HCA, to provide support on property and public sector asset advice, the LGA, Planning Aid and the Design Network, who could provide design enabling and design review, for instance.

A Local Development Alliance would have a remit to draw up a flexible, strategic framework for development that both interprets the national vision for economic place-making and upholds the national spatial plan at a sub-regional level. This would include identifying local priorities and outlining good process in planning, designing and delivering development specific to the area. The need to get this sub-regional framework for development right is something that some of our more inspirational European counterparts have long understood. We need to better establish our Local Authorities as pro-active enablers of the right kind of development, rather than managers and deliverers of public services.

If Local Development Alliances were to become a more permanent proposition, they could report to boards representing local and national government and could be used as an appropriate vehicle to both raise and manage funding for projects of sub-regional strategic importance. The ambition would be to provide an expert, democratically accountable and cross-professional strategic presence which would help bridge the gulf between national and local place-making strategy.

Empowering local government

The irony of localism has been that, at the same time as local government has gained new powers, its capacity to use them has been shattered. Spending restrictions have forced difficult choices on councils, which has in turn devastated planning departments. In 2011/12 alone, the Audit Commission figures show that planning and development budgets were cut in local authorities by 27%, with a further 7% cuts the following year. As a result, many councils are unable to play a meaningful role in shaping the future of the places they serve.

If elected in 2015, Labour will face the same pressures on public spending as the current government. However, it must recognise that planning is a crucial investment and central to furthering economic, social and environmental progress.

Any future Labour Government will therefore have to address the chronic shortage of skills and capacity in planning departments. It should seek to play an enabling role by bolstering existing structures and delivery agents such as the Homes and Communities Agency, the Design Network and Architecture Centres to ensure that councils have access to the right expertise. It should also look to encourage councils to pool resources, share services and where appropriate, outsource smaller applications. The receipts gained from the Levy proposed by Labour on undeveloped land, could also be a potential mechanism through which local government could secure funding to buy-in support as-and-when they need it.

By better supporting councils, Government can begin to unlock their potential. At its best, local government – working in partnership with rather than as a hostage to developers - has shown that it can facilitate the delivery of highly successful new developments. However, the focus across the board should be to bring about a re-birth of creative planning, re-calibrating the system away from a tick-box, development control approach. Instead, local government should increasingly act as promoters and enablers, rather than regulators of new development, creating a strong framework which allows a robust design process to flourish. The emphasis should be on ending the eternal battle that exists in the planning system and creating a more equitable and inclusive relationship with designers, developers, communities and local businesses. The system should be front-loaded to encourage earlier engagement in the design issues of planning applications, thus offering greater certainty that schemes will not be refused on design grounds at detailed planning permission stage.

Beyond Planning

With the right steer from Government, local authorities can begin to harness the full potential of the powers and assets they have at their disposal. If the right barriers are removed, there is no reason why local government cannot begin to bring development forward themselves, flipping on its head the passive and reactive way in which it has engaged in the development process over the past few decades. Councils have powers to plan, to compulsory purchase and procure. They also have a tremendous amount of assets at their disposal which if used in the right way, have the potential to bring about long-term economic growth, help re-balance development in favour of the public interest and transform the fortunes of their localities.

There is often a temptation to overplay the role of planning and underutilise the capacity for local government to encourage sustainable development in other ways. Councils (and indeed the public sector more broadly) have often failed to maximise the use of their assets in order to deliver good design outcomes. One key driver of change would be a radical new approach to the use of public land. For many years, local government has failed to realise the potential of this most valuable asset. The imperative – driven by dogmatic Treasury rules – has been to dispose of land to the market as quickly as possible, to the highest bidder. This is a wasted opportunity to put local government on the front foot by using its assets as a lever to encourage better quality development. Selling the land with no strong conditions in terms of the quality of development that should be delivered means that reactive planning is often the only tool that councils can use in order to influence the subsequent development of that land.

If elected, Labour should look to buck this trend. Instead of encouraging a fire-sale of public sector land assets, it should incentivise local government to use them more effectively and productively. There has to be a clear expectation that public land that can be developed should be brought forward. But in return, central government – through a bolstered Homes and Communities Agency and expert support from other relevant organisations – should provide a greater level of support for councils that wish to maximise the long-term social, environmental and economic value of its assets. This support should include access to up-front development finance, design enabling and planning expertise, as well as more practical support related to the mechanics of delivery and in forming contractual arrangements with developers and other partners.

In addition to providing a greater incentive for councils to bring development forward themselves, there needs to be a much stronger more strategic approach to the sale of land to the private sector. A detailed design brief should accompany all strategic public sector land disposal and set out the standards expected for any development. The sale should be appraised not only in terms of cost but on the quality of development proposed and the strategic vision for the site. Ownership of the land should only be fully transferred once the development is delivered to the quality demanded by the local authority. This would ensure that developers get the land they need but also gives greater reassurance to the taxpayer that their assets are being used wisely to create the kind of communities they want to live in. It would also begin to re-configure the development process, ensuring that developers are increasingly competing on the quality of product they can deliver, rather than how much they are able to pay for land. In turn, this would break the hegemony of the larger developers, opening up opportunities for more design-conscious builders.

As with its profligacy in terms of public land, the public sector and local government in particular has been equally poor at using its procurement powers to deliver quality. The weighting for design quality within procurement appraisals is superseded by short-term cost considerations. Meanwhile, there is an attitude to risk which prevents innovation and long-term value, often in direct conflict with the aspirations of planning policy. This approach needs to be reversed and the procurement process re-configured so that design quality holds much greater weight in the consideration of tenders. The planning system can also play a much stronger role in assessing the quality of schemes once they are procured, by utilising tools such as design review to much greater effect for publicly funded projects.

Through risk and experimentation, the planning system can enable creative approaches and provide a strategic steer to help realise new ideas and relationships between business, the public and Government. But there must be a holistic approach to the delivery of new development, which harnesses all of the tools that the public sector has at its disposal to ensure it is delivered to a higher quality. By doing so, standards can be raised across the board: developers and contractors should begin to see the value of investing in design quality and the public will begin to demand and expect better and be more willing to consent to new development from the outset.

How local should Labour go?

The goal of the Localism Act - to decentralise decision-making and empower local communities has been welcomed by most parts of the development sector. From a design quality perspective, the localisation of the planning system was billed by the current government as the most effective means of raising standards. By involving communities more closely in design and planning processes, new developments would improve in quality and more accurately reflect what local people want. This – in theoretical terms – is a sound argument. Good design is ultimately about meeting the needs of the end user, whether a homeowner, a school teacher or a whole community. It results from an understanding of place, which can only be achieved in conjunction with the community. In this context, the design process also has a wider social benefit by bring people together to engage in dialogue about priorities and decisions that may otherwise seem very abstract.

However, creating good quality places through a more participative planning process will only really be brought about with the right support, expertise and direction. The current framework for neighbourhood planning has not, in the most part, provided this. Communities have been left largely unsupported and local authorities are often unable to provide the guidance and expertise needed to realise the full benefits of the process. This has – with notable exceptions – ensured that neighbourhood planning is the preserve of those communities with the greatest means. The governance processes and democratic legitimacy of neighbourhood forums are questionable and the process is inaccessible to many of those who might benefit most, both in terms of long-term physical regeneration and the benefits it could bring in fostering a greater sense of community.

Labour should not look to roll back the localist settlement but ensure that the current structures are strengthened, more accessible and have greater meaning. This means properly integrating neighbourhood planning within the local plan process and providing mechanisms through which communities can access appropriate expertise and support. This financial and design support will enable communities to meaningfully participate in localised, democratic plan making. It will also help up-skill communities and foster a sense of local ownership. Local Authority enablers should aim to foster a two-way learning relationship between communities and necessary professional support, in which capacity is built within the local population around issues of the planning and design process. At the same time, professionals will also better understand the needs of the people they are designing and planning with and can achieve a truly local, yet robust, informed and resilient design response. Whilst local people can take an active lead, it is professional structures and leadership that will determine long term success.

Conclusion

If elected, the Labour Party will face huge challenges in regards to planning: a system at breaking point, morale at an all-time low and a gradual erosion of the progressive ideals which used to underpin it. The priority however, is not to embark on another programme of wholesale planning reform but to bring about a culture shift which places a greater emphasis on the quality of place and addresses the imbalance between the economic, social, environmental and cultural roles of the planning system. Planning needs to be proactive rather than reactive. It needs to be underpinned by longer-term thinking and a coherent and creative vision which provides a framework through which innovation can be fostered rather than suppressed.

In order to deliver on these ambitions, the next government needs to be bold. It should recognise the crucial role that local government can play in delivering a new settlement and support it in doing so. It should acknowledge the importance of civic engagement in the planning process but not see bottom-up planning as the answer to every question. It must create a shared set of values which run through the system and are inclusive of the stakeholders who interact with it. Above all, it needs to recognise the crucial role that government can play in providing the long-term, strategic vision and commitment needed to deliver not just new development, but a better built environment. This must form an essential part not only of its approach to planning, but of its overall economic strategy, which is committed to and delivered across and at every level of government.

4. Re-thinking English Planning: Managing Conflicts and Opportunities at the Urban-Rural Fringe

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Introduction

The spaces where town and countryside meet are both ‘fuzzy’ and ‘messy’, providing the contemporary arena within which some of the key planning policy and decision-making processes are played out as locations for new housing and employment land and associated infrastructure are identified within emerging local plans. Yet, the UK urban-rural fringe has received scant attention as a place in its own right; rather it has been attached to predominantly urban expansion/regeneration or green belt preservationist agendas. This dualism is unhelpful and overly simplistic; restricting the opportunities and benefits that may arise from more holistic considerations of the fringe space. It is this quest for maximising opportunities and benefits in the urban-rural fringe that offers important insight into the future direction of England’s planning system. This contribution proceeds by exposing the current disintegrated development of policy and practice that characterises the present fringe space, forged by the different governance systems for town and countryside and the current economic growth lens used to manage and plan as advanced by the present Coalition Government. Here I use three narratives which highlight how this disintegration is played out in contemporary planning interventions. I then show, through further narratives, how more coherent and joined-up approaches might evolve for future planning policy and practice. My focus on the urban-rural fringe is deliberate and important as the fringe now represents the dominant policy space within the UK (Scott et al., 2013). Given its policy and research deficit the material for this chapter is drawn from recent research conducted on the urban-rural fringe funded by the UK Research Councils under the Rural Economy and Land Use Programme (www.relu.ac.uk).

Re-discovering the Urban-Rural Fringe

The urban-rural fringe is a ‘messy’ but highly valued space. It is here that the pressures for growth are at their most intense and pernicious. Gallent et al. (2004: 223) suggest that the key attributes of the rural-urban fringe are as follows:

- a multi-functional environment, but often characterised by essential service functions;
- a dynamic environment, characterised by adaptation and conversion between uses;
- low-density economic activity including retail, industry, distribution and warehousing;
- an untidy landscape, potentially rich in wildlife.

However, the fringe represents something of a conundrum in planning policy; on the one hand it has become the dominant space within the UK contemporary landscape; it goes beyond an obvious visual land use ‘edge’ to extend its reach deep into rural areas through the intersection of urban lifestyles of resident commuter populations. Yet, on the other, it remains largely a forgotten space ‘at the edge’, typically bypassed in policy and decision-making, which tends to prioritise either urban or agricultural needs. Although many planning policies, decisions and interventions affect the fringe, they are consequential and reactive rather than proactive and needs-based, leading to what Qvistrom (2007) characterises as ‘landscapes out of order’. This frames an increasingly polarised discourse between those interests which favour new development in the fringe to meet ‘growing’ urban needs and those affected groups who seek to protect ‘valued’ green space from urban encroachment. Hence the battle lines are drawn within a planning system itself deeply, and problematically, rooted in adversarial processes and procedures (Lord and Tewdwr-Jones, 2012). Such explicit confrontations promote delay and, increasingly, recourse to legal action; prompting the question as to whether there is a better and more positive model to manage such conflicts.

The Coalition Government’s Planning Interventions

The Coalition Government’s policy agenda is predicated on delivering economic growth (DCLG, 2012a). In such respects the planning system and its perceived regulatory focus was seen as an enemy of enterprise and thus was labelled effectively ‘broken’ (Open Source, 2009). This savage criticism of the previous Labour administration’s

top-down, regional approach to planning, with the imposition of unrealistic housing targets within regional spatial strategies, prompted a radical agenda to reform and streamline the planning system and its institutional processes. Thus the National Planning Policy Framework (NPPF) 2012 was born with the National Infrastructure Plan 2011, Localism Act, 2011 and the Growth and Infrastructure Act 2013 providing the key planks of a purportedly new streamlined localist planning policy architecture. The regional tier of planning was abolished, with localism introduced within the wider context of the Big Society. There was also government intervention to cut red tape and reduce ‘unnecessary’ burdens on developers. All these interventions have helped frame a new discourse of sustainable economic growth with viability as a core consideration coming to the fore.

However, the primacy of economic growth has overshadowed important opportunities to assess how planning can better connect across economy, environment and social interests, within its roots of place-making and social and environmental justice. Given that the urban-rural fringe is where many of these different interests coincide on a daily basis, there is a real danger of disconnect particularly given the lack of strategic oversight. This is now explored in the context of what I term ‘disintegrated development’ (Scott et al., 2013).

Disintegrated Development in the Planning System

A disintegrated culture pervades current planning interventions. Policy is largely made through the lens of different sectoral interests where only specific information is selected and used to inform policy responses. The subsequent information flow is controlled and managed through key ‘gatekeepers’ who only allow certain information and data to pass through. This ‘filtered’ information is then analysed and used to make policy and decisions. Consequently, we see a complex sea of different policies and plans, each used to inform decisions and actions on the ground, each made in isolation and each based on a particular sectoral interest. This is further exacerbated by top-down imposition of change through the active intervention of government and/or powerful stakeholders who are able to bypass the main institutional gatekeepers and systems through their power and influence (Cowell, 2003). Finally, there is also the additional but significant chance or random ‘events’ or disasters that generate policy change, such as the 2001 foot and mouth outbreak.

Thus, when one considers the cumulative impact of all these separate plans and policies and decisions on the ground, there is a real likelihood of chaotic, complex and contradictory outcomes that are not easily understood or resolved. This inhibits social learning due to the lack of effective and open evaluations built into these multiple decision/policy making interventions and, consequently, we witness an institutional landscape characterised by uncertainty, conflict and contradiction (Scott et al., 2013). This dis-integration is now illuminated through three narratives:

1. The urban rural divide
2. Whose authority
3. Building sustainable communities.

1. Exploring disintegrated development at the urban-rural divide

My starting proposition is that the urban-rural fringe represents much more than just a neglected and forgotten policy space; it encompasses the convergence of different urban and rural values, needs and priorities that collectively frame an urban-rural divide.

Current academic and policy concern tends to champion either the urban (e.g. Bridge and Watson, 2011) or the rural (e.g. Curry, 2010) at the expense of the interrelationships, flows and dependencies between them (Hodge and Monk, 2004). This stems from different institutional arrangements between the urban and rural environments. The roots of this in England can be traced back to the Barlow (1940) and Scott (1942) reports which separated the town and countryside, and their implementation via the landmark Town and Country Planning Act 1947. Here, the core ideas of controlling urban development within town planning procedures, and supporting agriculture and forestry production through a system of incentives, were established.

Unfortunately, their subsequent evolution has magnified this split personality of planning within the policy and decision-making landscape, with urban expansion seen as something to be controlled through restrictive planning procedures, whilst the ‘incentivisation’ of the countryside for agriculture and forestry is tied inexorably into powerful notions of a rural idyll (More-Colyer and Scott, 2005). This dualism has stifled the wider diversification of both rural and urban economies. Crucially, Ebenezer Howard, the pioneer of the garden city movement, recognised this problem

in 1902 within his ‘three magnets’ concept, in which he argued for joined-up thinking about town and countryside to maximise the benefits of both. This concept of securing multiple benefits provides the ‘forgotten’ key to unlocking connections between places and spaces in the fringe, and loosening the dominant urban-centric fix where the fringe environment is viewed primarily as a space waiting for the city to come to it, or where green belt intervenes as a one-size-fits-all tool restricting development. This is graphically illustrated within the institutional landscapes and processes that lie behind the countryside and the town.

The Countryside

The countryside is managed through a focus on incentives secured under the Common Agriculture Policy with the rural development programme located somewhat perversely as a pillar within it. There is a strong presumption against development in the countryside. Within England the policy direction is shaped within the 2011 Natural Environment White paper under the auspices of Defra. Here ecosystem services provide the theoretical rationale for policies and actions at the landscape scale delivered by the Defra family of agencies (Natural England, Forestry Commission and Environment Agency). In response, new institutional arrangements have been created under the localism banner including Local Nature Partnerships and Nature Improvement Areas. (Scott, 2012 adapted)

The Town

Urban areas are managed through a focus on regulation and control to prevent significant expansion into agricultural and rural areas. The policy framework for this is through the National Planning Policy Framework (NPPF). Spatial planning provides the theoretical underpinning, within an increasingly localist rhetoric. The policy formation is under the auspices of DCLG and BIZ with business, local authorities and communities as the delivery agencies. In response additional institutional arrangements have been created under the localism banner: Local Enterprise Partnerships and Enterprise Zones with a predominantly urban-based focus. (Scott 2012, adapted)

The descriptions above capture the separate institutional architectures, each with their own histories, geographies, strategies, tools and disciplinary champions fuelling disintegration and conflict as policy positions are developed in isolation from each other, leading to multi-scalar and sectoral disconnects later in the planning process. It is because these conflicts appear later in the planning process that their resolution is much more difficult.

2. Exploring disintegrated development: whose authority are you?

The universal planning problem of cross-boundary co-operation between different local authorities reflects competing tensions over growth and conservation priorities which are now regularly played out across many areas of urban-rural fringe space across the UK. At the heart of this narrative lies the planning efficacy and orthodoxy of administrative boundaries which frame and limit particular planning responses. Thus we have an increasingly common situation where an urban authority has limited scope for meeting its housing need for the next 25 years within its own boundaries and is, therefore, forced to work with neighbouring authorities to find a solution. This ‘duty to co-operate’ is enshrined in the NPPF and Localism Act (2011). However, in many cases, this means neighbouring authorities making incursions into their own green belt or greenfield sites; this is politically controversial, leading inevitably to widespread public protest. This also appears contrary to planning policy which seeks to protect green belt and wider countryside ‘except in exceptional circumstances’. Crucially, the governance arrangements to manage this dilemma have recently changed. Previously the regional tier of government was discharged through the Regional Assemblies via the development of Regional Spatial Strategies (RSS) which took a strategic overview of housing and employment land need and could direct neighbouring authorities to accommodate other areas’ housing need. However, these were abolished and, under the new rhetoric of localism, there are real political dangers associated with locally elected councillors supporting housing development on locally-valued greenfield or green belt sites.

The loss of the statutory requirement to consider the wider regional needs of places as a whole has been replaced and watered down with a “duty to co-operate”, which lacks clear guidance. This shift from regionalism to localism distorts connections across the fringe as local authorities focus primarily on their own internal needs which, necessarily, have a strong local political component. This disjuncture therefore remains a political power play with the outcome uncertain.

However, it also raises important questions as to how the boundaries for planning are drawn. The administrative boundaries are rarely logical or predicated upon housing markets, travel to work areas or natural areas. This then does raise an important question as to the best scale and boundary to plan for housing and employment growth mindful of the environmental, community and economic realities. Currently few people have ventured into this terrain, and this hinders effective planning responses (Devine-Wright, 2013).

3. Exploring disintegrated development: building sustainable communities

The planning process inherently creates winners and losers. The distributional and spatial impacts of development interventions provide important narratives which can highlight the often unintended consequences of decisions made when one particular interest prevails. Using the example of Hampton near Peterborough, a new community of 7500 houses complete with retail and employment sites, I focus on the impacts of a Section 106 planning agreement: a planning tool used by the local planning authority to secure wider community infrastructure to generate benefits as a direct result of the development. In this example, there were developer undertakings to provide schools, social spaces and community facilities. These community developments, however, were triggered by the number of actual housing completions, rather than time; meaning that, vital community services were lacking which created significant community problems for early occupiers. Any slow-down in house building meant further delays, although of course this benefited the developer. This disconnect has led to conflict and tensions over community governance in Hampton. This becomes important because, at the present time, the use of ‘viability’ in planning cases seems to be based solely on developer-led interpretations rather than those of the community. This has serious implications for the delivery of equity and social justice. The core issues concerning Hampton residents were:

- A lack of meeting rooms. The only available room was in the primary school, and could only hold 30 people. This limited the time and facilities available for public meetings.
- The secondary school had facilities, including an outdoor amphitheatre, for meetings but it was impossible for the community to book rooms: forcing groups to meet in Peterborough and elsewhere (i.e. well outside Hampton itself).
- A proposed sports centre has been developed by a private concern as a fee-paying venture with no free sports access.
- The primary school is full and currently parents have to send their children to school by taxi over 12 miles away, reflecting a lack of proper education and transport planning.

This narrative speaks of an infrastructure that allows neoliberal planning to prevail at the expense of wider community / environmental concerns with profound effects on community sense of place and access to resources and social justice; all creating significant dissatisfaction. This may only be a temporary burden but, given that the development has already extended over a twenty year period, it has huge impacts on how a community relates to its place.

Fitting the Pieces Together

Disintegrated development is caused primarily by the lack of strategic oversight or orchestration of the complex governance jigsaw that now makes up England. With no one body or person able to look at all these different plans, policies and decisions, there is an overall lack of harmony; akin to the absence of a conductor in an orchestra who brings all the different performers together to produce music. In planning terms there is no conductor; there is no sheet music which unites these different agencies and plans. Set within the different spaces that make up England we lack that spatial plan that harmonises where strategic priorities could be co-produced and translated into plans and decisions across regional, local and neighbourhood scales and which maximise connections and dependencies based on the way we want – or increasingly need – to live our lives.

Indeed, strategic planning has become largely impotent and adhoc: weakened by the throwing-out of the regional baby in the bathwater of recent planning reform. Furthermore, since the launch of the NPPF in March 2012 there has been a series of incremental add-ons in the planning system, reflecting increasing government dissatisfaction with planning and impatience for headline signs of economic growth. What is particularly worrying about these changes is the lack of any evidence base for their imposition; rather it seems to be a case on planning on ministerial or Treasury presumption.

So, for example, we have Lord Taylor’s review of planning guidance, launched retrospectively after the publication of the NPPF, which raises key questions as to why comprehensive guidance was not included in the NPPF itself. Within the Growth and Infrastructure Act 2013, new planning provisions include increasing permitted development to housing extensions up to eight metres (subject to neighbour consultations), taking some planning decisions away from local

authority control, reducing affordable housing quotas and community infrastructure on viability grounds. There are also separate proposals to allow conversion from business to residential use.

Cumulatively this risks creating a short-term investment landscape dominated by uncertainty and conflict. Far from speeding up decisions, the reforms are likely to embroil the planning system in legal appeals and challenges, especially when combined with a lack of planning staff and inspectors. In the long-term they are also unlikely to deliver high-quality environments; instead incremental over-development that might otherwise have been improved with conditions, or rejected, will occur.

The key question, therefore, is how to escape the thinking that constrains the options for the urban-rural fringe and promote effective working across the town-countryside divide. It is here that we can benefit from revisiting the roots of planning which were based on interventions for improved social and environmental conditions; societal good. It was then always more than a simple economic lens on which to position growth policies. Spatial planning helped develop such thinking theoretically with its focus on cross-sector and cross-scalar synergies but has not been that successful in everyday translation to practice. More recently, the Ecosystem Approach, ‘...a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way’ (UNCBD, 2010), may help planning realise its potential and progress more theoretical thinking into practice.

Moving away from the sole focus on economic land values and economic assessments of impact, planning tools could usefully measure and financially value the increased benefits or costs in key environmental and community assets and services (e.g. flood protection, water quality, carbon sequestration, air quality, food and landscape value) which currently are not effectively factored into decision-making. For example, a recent baseline study of the value of green infrastructure was undertaken by Birmingham City Council which valued the contribution as some £12 million per year (Holzinger, 2011).

Thus planners should include within their evidence base policy audits of environmental and community services and assets; where are they located, what is their condition and who currently benefits and loses from them. This can help shape interventions to improve areas that lack these valued assets. It is significant that no such databases exist, although extensive use is made of the government’s index of multiple deprivation. This approach presents opportunities for innovative policy responses. For example, a number of water companies now pay farmers to manage land in order to reduce water treatment costs and expensive flood schemes downstream. New markets exist for biodiversity in England and Wales and for climate regulation via tree planting (the UK Woodland Carbon Code), with emerging markets for climate regulation via peat land restoration in the pipeline. By combining payments for many different environmental services in this way, it may be possible to deal with environmental problems more holistically, rather than within traditional sectorial boundaries. Here, positive environmental change benefits economies, society and environment.

Using the principles of the ecosystem approach and good spatial planning principles, I now identify a series of narratives that can signal the way forward for the planning system using the hook located in paragraph 109 of the NPPE.

The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

(DCLG, 2012b)

In Search of Integrated Planning: Learning Lessons From Past Interventions in the Fringe

Learning lessons is a common statement made after a ‘cock up’ or tragedy. It is rarely used in policy formulation. Indeed the political cycle often means that successive governments tear up previous initiatives in order to create their own distinctive approach. This is problematic as the accumulated social and institutional learning is often lost, as in the case of the dissolution of the Regional Assemblies. In the case of the urban-rural fringe, there have been explicit interventions and it is therefore useful to consider their contribution and impact to help sign post the future direction of planning.

In the late 1970s the Countryside Commission made a series of bold new policy interventions in the rural-urban fringe based around a ‘countryside management’ approach (CMA). Countryside project officers were financed through Countryside Commission grant-aid programmes within local authorities to implement community-based projects addressing emerging problems and opportunities as cities and towns expanded into rural spaces. The project officers were the interface between the needs of the communities and the environment on the one hand, and the managing of policies and impacts on the other. These roles as mediator, negotiator and enabler were new within this fringe setting, and based on building community capacity and skills, where process and outcomes were seen as of equal importance as outcomes (Scott et al, 2013).

Significantly, the theory of the CMA directly challenged sectoral thinking within the fringe through its focus on integration, joining up different policy priorities based on the reconciling conflicting needs of the communities and environment themselves. The potential and reality of such integrated thinking shaped a significant Countryside Agency research programme (2001-2006) illuminating the fringe opportunity space. From this emerged a vision set within 10 core themes (Countryside Agency and Groundwork Trust, 2005). (1) A bridge to the country; (2) A gateway to the town; (3) A health centre; (4) A classroom; (5) A recycling and renewable energy centre; (6) A productive landscape; (7) A cultural legacy; (8) A place for sustainable living; (9) An engine for regeneration; (10) A nature reserve.

Much of this work now lies buried and forgotten; yet the experience and outputs provide a useful way forward for more the planning system more generally. The 10 principles provide a coherent action for more positive and integrative panning responses that cross this town-countryside divide. However, CMA failed to become embedded in policy and it is the lessons from this failure that could help us enable the integration we currently lack.

First, and perhaps most important, the launch of the vision coincided with the creation of Natural England, involving the merger of the Countryside Agency, English Nature and parts of the Rural Development Commission within a new government Non-Departmental Public Body. This involved significant re-structuring of staff with new functions and responsibilities resulting in a hiatus in existing programmes, including those concerning the fringe.

Second, many countryside managers were pioneers, with considerable flexibility and freedom to pursue their work with limited managerial interventions. They were located in various local authority departments across the UK (e.g. tourism, planning, recreation and environment). As these were new appointments, senior managers were ill-equipped to understand their work role, exacerbated by the rapid turnover of staff in these CMA positions. The influence of Countryside Commission grant aid budgets was crucial in driving appointments which provided a significant income stream to stressed local authority budgets. However, when grant aid was switched away from specific posts towards outputs, many countryside management projects in the RUF were phased out (see Countryside Commission, 1987).

Third, although CMA was championed as a new model working across traditional boundaries and silos with active involvement of communities and stakeholders, this was increasingly seen as parochial to statutory planning processes. There was limited contact with statutory policies and decision-making associated with planning, health, education, transport and social services. In effect this was a parallel intervention in keeping with the way the current Coalition Government is adding LEPS and LNPs to current governance models. Thus CMA interventions were being carried out separately to the statutory work of the local authorities, resulting in CMA being an add-on to the conventional statutory functions; hence they were vulnerable to cutting when resources were scarce (Riding, 2011).

The overriding lesson from this experience highlights the importance not only of embedding new approaches into existing governance structures, but also changing behaviours across the key stakeholders themselves. CMA was seen as peripheral and additional and was ultimately vulnerable to cuts with all the loss of expertise and intelligence that entailed (Scott, 2011).

In Pursuit of Integration: Securing Multi-functionality and Maximising Benefits.

Hampton provides a useful lesson of master-planning incorporating a 25-year vision developed in 1991 of how a large-scale urban extension on a brownfield site (former brickworks) can make best use of green, blue and grey infrastructure within a large mixed development maximising environmental, social and economic benefits. Set within four agreed principles of boldness, structure, quality of life and identity, the subsequent development is now widely promoted as an exemplar of sustainable development.

The master plan for the Hampton development also provides useful evidence of how multi-functionality and connectivity were embedded into the development through an innovative partnership of key stakeholders from the outset. Starting from what was essentially a blank canvas, the development focussed on building connections through green infrastructure and corridors of movement within and without the site. The combining of spatial planning with

ecosystem services created quality water features through a sustainable urban drainage system, and a 40 per cent greenspace mix across the development strengthened biodiversity as well as providing recreational spaces within a range of housing styles and densities set within distinctive neighbourhoods. These were also connected to employment and retail spaces, thereby minimising the need to travel.

It is also important to recognise how the environmental value of the site was viewed positively as a factor for the successful development in maintaining the distinctive identity of Hampton within a range of similar extensions elsewhere on the Peterborough fringes. Although there were designated sites (Special Area of Conservation and a Site of Special Scientific Interest) present, these have been integrated into the development providing a sense of place. As well as looking inwards to the needs of the community, the responses were mindful of the need for making connections outside, linking the development to wider leisure opportunities across the area set within green infrastructure planning at the landscape-scale.

Conclusion: Whither English Planning?

This contribution has made explicit that for delivering the kind of integrated planning we now need, government, planners, built environment professionals and local politicians must move out of their sectoral silos where disintegrated development is the norm, into effective partnerships that increasingly cross the scales and sectors of policy and decision-making. Crucially this involves a significant up-front investment in collaborative working where the solution is co-produced, recognising that each stakeholder provides a piece of the jigsaw. However, this is a big ask given that we remain rooted in our systems and work processes to sectoral specialisms in terms of targets, appraisals and outcomes.

Moving from where we are now to this more integrated approach requires appreciating that the status quo is problematic. Only once this problem is recognised can we start to design meaningful interventions to deal with it. This does mean moving out of comfort zones and this can be particularly problematic when resources have been cut and targets are under closer scrutiny. Yet ironically it is just at these times that we need to rethink how we do things. In so doing we need to challenge the following ideologies:

- That we can bolt on new thinking and ideas to existing work practices.
- That we need to engage in upfront discussions across all relevant interests and not just those we agree with
- We need to challenge any single sectoral or scalar fetish (e.g. economic growth or localism)
- We need to measure what society values rather than value what economists can easily measure.
- That there is a quick fix or ‘silver’ bullet.

Collectively my critique challenges any prevailing model of decision-making that favours models and assessments set within a one-dimensional ethic. This could equally, therefore, include a fixation on growth or environmental protection. At the heart of this lies the need for an inclusive and meaningful dialogue with different public(s) as stakeholders early in the policy and decision making process, concomitant with better tools to engage the public so that they are better aware of the implications of their views. It is here that skills and capacity building are required both for existing decision-makers and publics.

The current planning system is sailing on to the rocks of uncertainty and disintegration. These are the true enemies of enterprise and long-term economic growth in the fringe. The current policy response is at risk of short term opportunistic planning rather than more egalitarian assessments based on understanding the whole set of assets and benefits and their resultant trade-offs in a given planning situation. These trade-offs are at their most intense in the urban-rural fringe and we need planning to acknowledge these more effectively than hitherto in order to deliver the quality places and spaces that society increasingly demands.

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5. The Future of Planning in England:

How can planning help to tackle the challenge of biodiversity loss?

Simon Marsh: Head of Planning Policy, RSPB.

The RSPB and planning

The RSPB's mission is to save nature in the UK and beyond. This involves us engaging with planning systems in the UK and abroad in order to protect important wildlife sites and promote biodiversity in development. This gives us a unique perspective on the future of the planning system in England.

We welcome this opportunity to contribute to a refreshed philosophy of planning for the Labour Party, within which its reforms can sit. While we argue here for a period of stability in the planning system, particularly for local plans, there are opportunities to grasp the strategic agenda and get rid of the false choice between the economy and the environment. The task is challenging, but the prize is communities that are truly sustainable. The global biodiversity crisis continues unabated. Even in the UK, we are failing to halt biodiversity loss; the recent State of Nature report shows just how significant the losses are (Burns, et al, 2013). We have signed up to a new, more demanding target: to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restore them in so far as feasible.

How, then, can planning help to tackle the challenge of biodiversity loss?

Planning Naturally

Simply put, the purpose of the planning system is to deliver the right development, in the right place, at the right time, for the public benefit. The public benefit includes significant environmental benefits – protection of valued wildlife habitats, public access to greenspace and avoidance of flood risk, to name only a few. It also helps to avoid significant environmental costs, such as the loss of beautiful landscapes or costs associated with pollution or flooding. The planning system has had many successes over past decades, both in promoting development which enhances people's lives and in preventing bad development, or development in the wrong place.

At the same time it would be wrong to imply the system is perfect; many commentators have expressed concerns about mediocre development, the under-provision of new homes, and on-going environmental damage, for example. Yet recent debate and research on the impact of the planning system has tended to focus on direct costs to business and public administration. As the report *Inexpensive Progress* (Vivid Economics, 2012) showed, this is a one-sided picture; if there is limited evidence on the economic value of the planning system, it is because few people have seriously looked.

The planning system in England has seen significant change in recent years, notably with the abolition of regional strategies, the introduction of statutory neighbourhood plans and the consolidation of planning policy in the National Planning Policy Framework (NPPF). For major infrastructure, the regime introduced by the Planning Act 2008 is still bedding in. Further changes are being introduced by the Growth and Infrastructure Act 2013, and the planning system will undoubtedly continue to evolve.

In the current context of a focus on localism and on growth, planning practice is also changing rapidly; most local planning authorities are preparing new-style local plans, and there is also widespread interest in neighbourhood planning at the very local level. As in other parts of the UK, there is a strong focus on delivering new homes and economic growth, but this must not be at the expense of the natural environment, which forms the basis of healthy and prosperous communities.

Biodiversity offsetting, which is currently subject to much debate, may be one way of reconciling the need for development with nature, but we need to ensure the right checks and balances are in place to avoid it becoming a developers' charter. Here, we take a step back from this specific debate to look at the bigger picture of the future of planning.

The RSPB, together with our partners the RTPi and CIEEM, recently published the report *Planning Naturally* (2013), which is structured around twelve principles of good spatial planning. This contribution draws on a number of these principles, which provide a useful framework for considering the future of planning, with a specific focus on the natural environment.

1. Planning should be positive, setting out a clear vision for how areas should look and function in the long-term.

The National Planning Policy Framework (NPPF) encourages positive planning, which is delivered through local and neighbourhood plans that consider the many and varied needs of local communities. It does not view planning merely as a system of regulatory control, but as a positive and creative force which shapes the future of communities. Most plans look ahead five, ten or fifteen years, but the infrastructure we build now is likely to be in place for decades. We need to consider the needs of future generations as well as our own. How do we want our communities to look and function in the long-term – say by 2050 or even the end of the century?

Both political and professional debates tend to focus on the delivery of housing and economic development. However, people and places need biodiversity and green infrastructure at their heart if they are to thrive in the long-term. The positive social and economic benefits of green infrastructure are well-evidenced, and in recent years there have been a number of government initiatives which seek to address what we need to do to rebuild biodiversity.

- The Making Space for Nature review (2010) of terrestrial wildlife sites, commissioned by the previous Labour Government, summarised what needed to be done in just four words: more, bigger, better and joined.
- The Natural Environment White Paper *The Natural Choice: securing the value of nature* (2011) responds to the above review by promoting an 'ambitious, integrated approach, creating a resilient ecological network across England'.
- *Biodiversity 2020: a strategy for England's wildlife and ecosystem services* (2011) sets out in more detail Government's ambitions in four areas: A more integrated large-scale approach to conservation on land and at sea; Putting people at the heart of biodiversity policy; Reducing environmental pressures; Improving our knowledge.

Among other things, this has led to the creation of 12 Nature Improvement Areas (NIAs) to enhance and reconnect nature on a significant scale in places such as Morecambe Bay and the Greater Thames Marshes. It also led to the establishment of Local Nature Partnerships (LNPs) to strengthen local action for the recovery of nature and to complement the role of Local Enterprise Partnerships.

These initiatives are complemented by the NPPF, which requires local plans to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (paragraph 114). It also requires planning policies to support NIAs (paragraphs 117 and 157) and for local planning authorities to work collaboratively on strategic planning priorities in consultation with LNPs (paragraph 180).

Any new government naturally wants to implement its own policy agenda. But where an evidence-based, progressive policy such as that contained in the NPPF has already recently been adopted with the general support of the sector, the temptation to make radical changes should be resisted.

The challenge now is for local plans to implement this positive vision, working in partnership with the environmental sector. However, it is notable that every major change to the development plan system (the introduction of local development frameworks in 2004, and more recently the revocation of regional strategies and the introduction of NPPF-compliant local plans) is succeeded by a period of upheaval and 'policy churn' in which progress towards achieving up-to-date local plan coverage is delayed.

In the light of the significant recent changes, both to the architecture of the planning system and to policy, our strong recommendation is to avoid making radical changes to development plans and the NPPF, allowing time for recent reforms to bed in. Government action should focus on encouraging local planning authorities to implement an 'ecological localism'; avoiding legislative or policy changes unless absolutely necessary and addressing 'softer' issues such as culture, resourcing and expertise so that the natural environment is properly valued and championed at the local level.

2. Spatial plans should integrate all the issues which affect the development and use of land within a specific territorial area, whether social, economic or environmental.

Local plans are spatial in nature, integrating all the issues which affect the development and use of land within the area of the local planning authority. However, at the national level, England lacks a joined up, spatial approach, even for major infrastructure (with the exception of new nuclear power stations). National policy statements for energy and ports do little more than to set out criteria for major infrastructure, and leave it to the market to deliver. For other forms of development such as housing, we are reliant on the individual activities of more than 300 local planning authorities, if they cooperate with their neighbours, to deliver the homes the country needs. The rationale for a spatial national planning framework was set out in some detail in a 2011 report for the RSPB, *A Natural Planning Framework* (Sheate, et al 2011). In summary, there are three reasons:

- **Challenges** – a national spatial approach is needed to tackle challenges such as inequality, environmental degradation, providing adequate and affordable housing, maintaining economic prosperity and adapting to climate change. In particular, we are failing to deal with one of the biggest challenges by loading most new development into the most environmentally-stressed part of the country, the greater South-East.
- **Cohesion** – England needs a national framework that can sit alongside and relate to other European states. This is also true in the British Isles, where England is the only country without a national planning framework. A Natural Planning Framework considers a number of case studies where countries have a national planning framework, including Wales, Scotland, Ireland and the Netherlands.
- **Consistency** – as noted above, spatial planning is fragmented among local planning authorities. A national planning framework has the potential to be a vehicle for debate regarding the country’s spatial priorities, and an opportunity to avoid conflict between environment and development.

These findings are reinforced by the Foresight Land Use Futures report (2010) and the Royal Commission on Environmental Pollution’s report Demographic Change and the Environment (2011) which came to broadly similar conclusions about the future challenges facing land use and the environment. We commend the work done by planning organisations which has advanced this agenda, such as the Town and Country Planning Association’s The lie of the land – England in the 21st century (2012), and the Royal Town Planning Institute’s Map for England project, which seeks to bring together a range of national spatial datasets for decision-makers.

However, insofar as these initiatives have considered environmental challenges, they have tended to focus on issues such as climate change, flood risk and nationally-protected landscapes. Important as these issues are, the natural environment – including biodiversity protection and enhancement – needs to be at the heart of a spatial national planning framework.

Preparing a light-touch spatial national planning framework need not be a mammoth exercise. But part of the problem is that there is no institutional mechanism for even having the conversation about the future spatial organisation of England. The abolition of the Sustainable Development Commission and the Royal Commission on Environmental Pollution has removed two independent bodies that might have played such a role. The Climate Change Committee and Natural Capital Committee are doing valuable work as government-appointed but independent advisors on some of our most pressing environmental challenges, but there is no government body with the wide-ranging remit that is needed to address the national spatial challenge.

We recommend that a future administration seriously considers a spatial national planning framework for England, and the institutional means for bringing it about.

3. Plans should consider strategic issues that may affect a wider area than the individual plan, including functional ecological areas.

One of the greatest challenges for the planning system in England is how to consider strategic issues that may affect a wider area than the individual local plan. Administrative boundaries rarely reflect accurately geographical circumstances on the ground, and this is especially true for the natural environment.

Strategic issues include the conservation and enhancement of the natural environment, and the NPPF specifically requires planning for biodiversity at a landscape-scale across local authority boundaries. Functional ecological areas may be based on estuaries, river catchments or semi-natural habitats such as heathland, moorland or forest, and often cross many local authority boundaries. Nature Improvement Areas, which have now been designated in a number of areas, are one way of achieving this.

The duty to cooperate is the statutory mechanism to achieve strategic planning, but requires commitment and constructive engagement by local authorities in order to work smoothly. Many local authorities already do this, in a variety of ways from sharing a joint evidence base to preparing a joint local plan.

However, there are instances when political disagreements between neighbouring local authorities make effective strategic planning very challenging. This is exacerbated by the fact that neighbouring local plans may be brought forward to different timescales; in a situation where an urban authority needs to ‘export’ some of its housing need to surrounding rural authorities, there is no incentive on the rural authority to accept the additional housing need so that the urban plan can be found ‘sound’.

Although this example is drawn from the field of housing, similar issues may arise where local authorities need to cooperate on environmental issues, perhaps to deliver strategic mitigation for large-scale development proposals. We

note that one of the few policies to be ‘saved’ following the revocation of regional strategies was the policy from the South East Plan which provides for strategic mitigation in the form of alternative greenspace, to protect the Thames Basin Heaths Special Protection Area from recreational disturbance.

Local Enterprise Partnerships (LEPs), which include local authority representation, have been given a role in preparing non-statutory economic plans, but these are by definition limited in scope.

This is not necessarily to argue for the return of regional strategies, but to note that the duty to cooperate has its limitations. The effectiveness of the policy should be kept under review, and further consideration should be given to how to provide incentives to effective strategic planning across the board for environmental, social and economic issues.

4. Plans should contribute to sustainable development, by enhancing the natural environment and ensuring that social and economic development takes place within environmental limits.

The UK Strategy for Sustainable Development (2005) defined the five guiding principles of sustainable development as: living within the planet’s environmental limits and ensuring a strong, healthy and just society, underpinned by a sustainable economy, good governance and using sound science responsibly. The English planning system has contributed to the achievement of sustainable development enshrined as its central purpose both in law (i.e. s.39, Planning and Compulsory Purchase Act 2004 and s.10, Planning Act 2008) and policy (National Planning Policy Framework, particularly paragraphs 6-10). Spatial plans in particular have an important contribution to make.

The NPPF encourages an integrated approach to sustainable development: ‘local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three’ (paragraph 152). The RSPB strongly supports this approach, and in particular the recognition that ‘pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment’ (paragraph 9).

A healthy natural environment is fundamental to sustainable development. Given the scale of biodiversity loss, plans and projects not only need to protect what we have but enhance it wherever possible, as described in section 1 above.

More could also be done, however, to ensure that there is a truly level playing field for economic, social and environmental objectives. For example, Local Nature Partnerships and Local Enterprise Partnerships are in theory equal in status, but in practice have vastly different resources available to them. There is an ever-present risk that in difficult economic circumstances decision-makers will prioritise jobs and growth over the environment, but this is making a false choice. As numerous studies have found, a healthy environment underpins the long-term health of both society and the economy, and the natural environment and the ecosystem services that it provides have significant value in purely economic terms (UK National Ecosystem Assessment: 2011).

More could also be done to ensure a better understanding of environmental limits, and what these mean in a planning context. Governments have tended to define environmental limits in targets and laws set to safeguard the natural environment (RSPB, 2009). For example, three important targets relevant to planning are:

- Internationally important species, habitats and sites achieve favourable conservation status
- Protect and manage Sites of Special Scientific Interest
- All water bodies are in good ecological status by 2015.

5. Plans and projects should be based on up-to-date and scientifically robust evidence, including evidence about the value of the natural environment.

Spatial planning is both an art and a science. The preparation of both plans and projects should be based on sound evidence, which in many cases will be tested through some form of examination or inquiry process. Evidence will be drawn from a variety of sources, but in the case of the natural environment it is important that it is scientifically robust or credible: up-to-date, methodologically sound, and based on professional expertise.

Some, but by no means all, local authorities employ professional ecologists or have access to shared ecological services, and recent research in England suggests that this is one of the most important factors in securing good biodiversity outcomes from development. Other sources of data and expertise include the statutory environmental bodies, local records centres, ecological consultancies and NGOs such as the RSPB and the wildlife trusts.

The current state of public finances has resulted in significant cuts in the resources available to local government and public bodies such as Natural England and the Environment Agency. The charitable sector’s own resources are thinly-stretched and cannot make up the shortfall in ecological expertise.

Local planning authorities will need to think in innovative ways about how to provide the right expertise in order to comply with their statutory and policy responsibilities for biodiversity. Aside from shared services, one option might be for plans and projects to be subject to an independent ecological review in a manner akin to a design review, a process already well-established in the planning system through the use of design experts or panels (see NPPF paragraph 62).

The statutory bodies, and in particular Natural England, also play a critical role in the planning system. The Government has recently confirmed that it will not merge the Environment Agency and Natural England; the RSPB welcomes this position, but remains concerned that Natural England is not adequately empowered to carry out its duties. Future governments must continue to maintain an independent champion of the natural environment, with a clear focus on its restoration and protection. Natural England must also be free to inform evidence-based policy and deliver its implementation, based on sound science; it must have the necessary resources, capacity and technical expertise to protect and enhance the natural environment; it must be able to provide effective, co-ordinated place-based delivery of conservation objectives, alongside NGOs, and it must be able to effectively carry out its regulatory functions.

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6. Planning and the Planning Profession into the Later 2010s: One Perspective

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Introduction

At almost no time since the 1960s has town planning been so much in the news than as at present. The Coalition Government’s apparent tweaking of English planning policy so that it was simply contained in one document in 2011 (the National Planning Policy Framework) led to front pages in broadsheets. On three occasions in 2012-2013 BBC Newsnight has covered housing. And in housing hotspots such as London, regional press has given even greater coverage to this topic. Perhaps the single most influential issue in this is the unprecedented failure of house prices in parts of the country to return to long term price-income ratios. Not surprisingly the Coalition Government has its own agenda in relation to planning, which at least the senior partner in the administration has pursued since it was in opposition. The direction of the policy has oscillated from more local control to rather less, but planning has continued to remain a priority for the Cabinet. But planning “reform” has been a favourite of governments of all hues despite it being, until recently, not a great priority for voters.

Inner Change

Through the various iterations of planning reform which have had an impact on planning and on the profession since 1980, one apparent characteristic has been an absence of what might be termed self-directed change. Impetus for reform has usually been external to both the planning system and the profession. There has been less reflection within the profession itself about what it might want to alter, either in relation to training for planners or for planning practice. Or at least, the kinds of issues which have their origin among planners tend to be issues relating, quite rightly, to planning outcomes. So for example the profession, in the form of the Royal Town Planning Institute, has worked hard over the last 30 years on matters such as encouraging planners to work towards equality and diversity, particularly in terms of the kinds of environments being created, but also in terms of job opportunities. On the other hand, attention to matters (such as customer focus and speed of the planning process) has often been the consequence of external impetus.

One issue which arguably could receive greater attention from within the profession is the tension between growing specialisation on the one hand, and the cultivation of an ability to embrace the whole picture on the other. It is often said that planning has become more complicated. Certainly planning permissions for hundreds of homes from the early post-war period could be fitted on one or two sides of foolscap paper, with maybe the only condition being to start within 5 years.

The issue of complication however, is often discussed as if it is not only self-evident but also self-justified. However the increasing complicated or maybe even burdensome nature of planning is a process with its own drivers which are not automatic: the story could have been otherwise. I am reminded of this familiar quotation: “a specialist is a man who knows more and more about less and less” (Mayo, WJ, 1927).

Starting with Rachel Carson’s Silent Spring in 1963 an environmental movement has grown up internationally; but in the UK there already was an existing statutory procedure for nature and countryside preservation (Wildlife and Countryside Act 1949) plus all the provisions in the town and country planning acts. The accession of the UK to the EU in 1973 eventually added a further clutch of statutory requirements which established a parallel approval process alongside the existing one. Janice Morphet (2013) writes regarding Strategic Environmental Assessment “As the UK assumed that its own existing policy framework would be adequate it was both unprepared for and unengaged in the negotiation process” (italics added). Now we are in a situation where for some time there has been “environmental planning” as a burgeoning field, often with a basis in natural science.

Other areas of specialisation in relation to planning are transport planning (with a considerable pedigree) conservation (starting with the Civic Amenities Act 1967) and financial viability (recently emerging). Typically now a major planning application will be accompanied by detailed studies of a whole series of particular aspects, with total volume of reports running into hundreds of pages or more. There is a question then over what is the role of an expensive planning professional in either the public or private sectors in this context? Is it primarily about:

- Project management (e.g. getting other experts to do all their reports done on time)
- Editing (compiling a summary document or committee report) or
- Something more?

Thinking of the future of planning and of the profession, I would hazard that we need to be thinking about what the “something more” actually means. This could involve seeking to identify it, trying to pin down some good practice. Is this “something” something you recognise when you see it but struggle to define? Could it be along the lines of the whole being greater than the sum of the parts? Are we talking about leadership, communication and influencing skills?

And when we can achieve a definition, through maybe looking at existing good practice, then how do we spread the good word? Should this be through formal planning education in universities? Should it be through continuing professional development, or should it be working with organisations which employ planners, such as local authorities and consultancies?

This question of what I call “inner change” is important because one theory of change and improvement is that if it is internally generated and owned, it is more likely to work. What some recent studies have shown is that change by legislation rather than by softer measures is an easy option for governments to choose, but not necessarily an effective one. As Ben Clifford and Mark Tewdwr-Jones have said “there is a need to move beyond over-arching narratives of ‘the state’ and ‘citizens’ and to consider the perspectives of the people who comprise the state, fully recognising the differentiation between central and local state, between policy makers and frontline professionals involved in the implementation of policy” (Clifford and Tewdwr-Jones, 2013).

Outer Change

In the many debates around who is to blame for, say, the low level of housing construction in the UK, there is now a widely-held view that there are many more issues at play than simply local planning authorities being reluctant to grant permissions. Examples of this could be alleged land hoarding or slow land release by landowners and or developers, or lack of mortgage finance for would be homeowners. However there are many wider questions regarding the policy environment within which the planning system and planners have to operate which strongly influence the value they are able to bring to the wider public interest.

A critical question is whether different places have the freedoms and flexibilities they need in order to bring development forward. Although many developments were proposed in the 2000s, completions were below target partly because getting some sites developed depends on financing supporting infrastructure, and individual areas (i.e. councils) have no control over the majority of public spending in their areas. Decisions on, for example, highway, rail or flood relief investments are made at national level according to national criteria. The bodies making these decisions have no interest in facilitating development in any particular place – that is not their remit. Planners are interested in this question of making decisions closer to where development happens not only because they are (generally) keen to see projects move forward, but also they seem to be in the firing line when they don’t.

The Royal Town Planning Institute (RTPI) has campaigned recently for a Map for England (RTPI, 2012) and, indeed, a Map for Wales which would be a single data portal for maps of all the government policies which have an impact on places. The RTPI is developing building on this subject further with a Centenary Research Project on governance (RTPI, 2013).

However planners would be the first to stress that real genuine localism that actually devolves spending decisions to areas (rather than simply decisions on housing targets and wind farms) needs to operate in a wider context. The RTPI pressed for a duty to cooperate between local planning authorities on strategic issues in the Localism Act 2012 because district/unitary council boundaries do not always reflect functional realities. Arguably neither Regional Spatial Strategies nor the duty to cooperate necessarily handles the strategic question satisfactorily, but this is partly because it is not an easy question to answer.

Some advocate a return to statutory strategic planning. That may have a role to play provided the geography is considered carefully, and provided there is the freedom for different arrangements in different parts of the country. But it is important to pay as much attention to soft measures which foster a cooperative environment as it is to Acts of Parliament. The Regional Spatial Strategies did not struggle for lack of legislation (any more than some weak local economies in England do not struggle for lack of roads).

The key requirement for getting strategic planning to be effective is to align decision making on infrastructure investment with decision making on land-use decisions. This is apparently something which a number of other OECD

countries find fairly straightforward. Here it seems much easier for governments to change laws which apply to one part of the public sector than to devise arrangements which apply to a number of related sectors.

Diversification

Planning began a hundred years ago as a largely private practice activity but by the 1970s had a strong public-sector flavour. The planning profession is nowadays much more broadly-based with a large private sector component and a fair number of people working in the third sector. Additionally, the Coalition Government’s promotion of neighbourhood planning has created a small demand for both volunteer and paid consultants to work directly for communities - a most interesting development although not entirely unprecedented.

But where there seems to be a serious gap in planning roles is in providing advice on location to policy makers in central government. Somewhat strangely, although the Department for Communities and Local Government contains a “Planning Division” and a “Chief Planner”, the role of these staff is not, as a visitor from Mars might suppose, to assist the government with planning the country in some strategic sense, but rather to oversee the operation of the planning system. Given the high volume of structural changes initiated by Conservative, Labour and Coalition governments since 1979, these staff have had a full workload. However it does seem somewhat strange that decisions which government makes, for example, on where to invest in transport, how provide health services to a distributed population, or matters concerned with use of uplands, do not appear to be informed by professional planning advice. Yet even in these straightened times the scale of government controlled capital spending is still vast and highly influential in terms of the impact it has on local economies. It was said after the experience of the 1960s that despite all the efforts of the state to encourage industry to locate in poorer regions, building a single university would make more difference than any number of branch factories. This lesson does not seem to have been learned.

On the other hand each government department has a full complement of economists. This can lead to a spatially-blind understanding of the world, in which all locations are regarded as equal and the emphasis is on the total number of homes, or megawatts of generating capacity, or even species, without analysis of the roles of different locations in achieving multiple government objectives. Yet surely the consequences of a strongly centralised state should surely be that central government has place-based responsibilities. Given the crowded nature of the island of Great Britain, and especially England, the Martian visitor might be surprised at this state of affairs. After all, it is possible to print money, but unless you are Dutch, or Chinese, it is quite hard to create land.

A purpose for planning

This is not to say that various government departments have been quiescent in relation to planning: very much the contrary. Particularly during the period of rising land values ending in 2008, many branches of government, and corresponding lobbies outside, saw “planning” as a means to secure particular benefits for sectoral interests, largely by use of Section 106 agreements whereby developers contract to make payments in connection with the grant of planning permission. The largest beneficiary of this process was “affordable housing”. But there were many others including Percent for Art to provide public art and Travel Plans which seek to ensure that people travel to developments by sustainable means. All of these are worthy causes but using Section 106 agreements to fund them is complicated and leads to very unpredictable outcomes. It can also lead to a kind of mild addiction to rising land values and difficulties if they stop rising. Many commentators have expressed deep concern with the house price boom between 1996 and 2006 and the impact it has had on access to both owner occupation and private renting.

Moreover there is a link back to the evolving nature of the profession itself and the question of experts. So long as there is money attached to a series of subject-based interventions, there is a powerful drive to use evidence to secure some of the available pot. So there is a link between transport studies and calls for transport spending from the Section 106; there is a link between biological studies and calls for Section 106 spending to address nature conservation issues. Some organisations in the public sector have even employed planners specifically in order to negotiate Section 106 contributions from developers.

There is a lot to be said for using planning as a means to achieve wider social objectives. But, to be controversial, is Section 106 actually planning, or is it taxation? Whilst originating in 1947 as a mechanism to effectively adjust developments to ensure they were permissible, has it latterly turned into a means of raising money for the public purse?

Maybe a higher purpose for planning is to achieve better overall value out of investment decisions by causing them to be undertaken in a connected manner as opposed to individually. This value is achieved not necessarily by a kind of taxation (Section 106 or Community Infrastructure Levy) but through using locational intelligence to get the most out of spending.

Locational intelligence is best explained by way of an example. One investment - for example on transport – can be used to achieve multiple benefits ; not only reducing current transport congestion but also contributing to energy supply by providing a new pipeline, providing readily accessible housing land and acting as a catalyst for jobs. It would not be in any individual infrastructure provider or housing developer’s interest to look for wider benefits; but the wider public interest – or “UK plc” – benefits from the coordination of this investment in particular locations.

This coordination rarely happens because each of these investment streams is ultimately under the control of a different Cabinet Minister (despite nominal privatisation) and it is not in any one department’s interest to achieve anything other than the fastest and cheapest means of meeting specific sectoral objectives. There should be however a role for the Treasury in looking after the interests of us all. After all, few taxpayers are particularly bothered by the fortunes of individual government departments or infrastructure companies.

The Treasury has already started down this line in creating the National Infrastructure Plan. It will need to go further in driving forward a plan which is not simply a bundle of separate departments and private companies’ pet schemes, but a plan which looks for real synergies – a plan which identifies investments which will meet a variety of pressing national outcomes in single schemes.

This is not only a technical question. Whilst the need for various kinds of national infrastructure continues unabated, finding room for them in a ‘Nimby’ climate, and generating sufficient public support, is a challenge. What better way to gather support for schemes than to demonstrate they achieve a variety of outcomes, not just one? This, dare one say, planned approach to national infrastructure would also make it less easy for objectors to frame their objections to infrastructure in the terms of it simply being to deliver private profit. And large-scale investors, whether at home or abroad, are chiefly interested in certainty. It is the dithering of government policy and the uncertainty this breeds, which threatens investment: on the other hand a clearly-defined planned approach in which individual schemes are drawn together in a concerted national effort should draw it in.

Conclusion

Planning and the planning profession are both dependent on external conditions to flourish. Insufficient recognition of what these are continues to hamper the effective delivery of homes and jobs in the places they are needed. It is also incumbent on any profession to be reflective and to drive inner change.

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7. Planning Reform and the Politics of Place

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Introduction

Planning has gained increasing prominence in political campaigns in recent years and it is set to become a pivotal issue in the run up to the next General Election. People are increasingly concerned about the quality of the places in which they live and work, and the places they visit. The current Government’s planning reforms have sparked huge controversy. Despite the Coalition’s professed commitment to localism, the reforms have reduced the ability of local communities to manage development. Public pressure for action to remedy the flaws is only set to grow. While it is often said that elections are won by parties which present the most convincing case for sound economic management, economic policies should be guided by an effective planning system, one which secures public consent for necessary development in the most suitable places. Whether we now have such a system is in serious doubt. This contribution first considers some of the central features of the current planning system; goes on to review recent achievements and controversies; and, based on this analysis, recommends priorities for future planning reform if it is to manage more effectively the ‘politics of place’.

Public interest

For over 60 years successive Governments have not sought to challenge the key tenets of the revolutionary Town and Country Planning Act 1947 introduced by the Atlee Government. The fundamental premise of the planning system – that the use of land should be controlled in the public interest – has remained largely intact since then. There have been attempts to address perceived problems, as with Simplified Planning Zones in the 1980s and reduce its scope, for example the recent widening of the ‘permitted development rights’ regime, but this central premise remains. Recent critiques (Minton, 2012) of the privatisation of public space have, in fact, reignited concern over the public interest aspects of land use and development.

Sustainable development

One part of the debate in recent years has been about the nature of the ‘public interest’ that planning should serve. The key tension here has been between its role in securing economic prosperity on the one hand and protecting and enhancing environmental quality on the other. Not so long ago, the concept of ‘sustainable development’ held the promise of pursuing environmental, economic and social goals in an integrated manner (Jacobs, 1993). That concept now seems to have lost almost all meaning and, with the abolition of the Sustainable Development Commission in 2011, it lost one of its strongest champions.

Despite this, sustainable development is supposed to underpin the Government’s flagship planning policy, the National Planning Policy Framework (NPPF) issued in March 2012 (DCLG, 2012). Criticisms that the NPPF failed to respect some of the central tenets of sustainable development were in large part responsible for its politically painful birth. Just over one year on from its publication, with mounting evidence of environmentally damaging planning decisions, it is difficult to see how the reformed planning system is able to address the very real, long term sustainability challenges we face.

Land and place

The focus of the planning system is land use. Land is one of our most important natural resources and one that embodies a range of functions and values – from abstract ecosystem services upon which all life-forms depend, to the deep and complex cultural associations which enrich our lives in many ways. Land also provides the basis for economic activity and for social structures, from the rural parish to global cities. Bringing these perspectives together, planning is about place – that unique combination of environmental, social and economic ingredients that come together in a defined physical space. And above all, it is the character of the places we live in and the places we visit and enjoy that drives so much human passion, commitment and concern about the environment. Given this, and given the

growing demographic, economic and environmental pressures we face, it is unsurprising that planning has become a particularly complex and contested policy area.

Urban renewal

Previous Government have shown signs of understanding this complexity. In the Major and Blair Governments, both John Gummer and John Prescott seemed to understand the place-making role of planning in developing and taking forward with such commitment the ‘urban renaissance’ agenda. The Urban Task Force, chaired by Lord Rogers, set out a compelling blueprint (UTF, 1999) that guided planning policies in the early years of the new Millennium. This brought considerable success – between 1997 and 2009 the proportion of new housing on brownfield – or previously developed – sites rose from 56% to 80%, saving an area of countryside equivalent to an area seven times the size of Southampton and redirecting investment back into urban areas. The largely positive results in terms of the revitalisation of the centres of many of our major cities are there for all to see.

Centralism

The success of the ‘urban renaissance’ agenda was tarnished by some centralising tendencies in the previous Government’s approach to planning. We have only just seen the last of the regional spatial strategies which were heavily criticised for imposing top down development targets regardless of local considerations. And the creation of an Infrastructure Planning Commission with decision-making powers over power stations, airports and major road schemes was seen by many as a step too far in seeking a solution to the challenge of delivering essential major infrastructure in a timely manner and in the most appropriate locations. This challenge remains but the abolition of the IPC and the reinstatement of the Secretary of State as the ultimate arbiter on what are inevitably the most controversial forms of development has been welcomed for bringing clear democratic accountability to such decisions.

Neighbourhood planning

Radical reform of the planning system was a centrepiece of the Government’s localism agenda and figured prominently in the Coalition agreement (Cabinet Office, 2010). The reforms were described as a commitment ‘to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live.’ This was seen by many as a welcome response to the growing sense of powerlessness felt by local communities in the face of damaging development – out of town superstores, intrusive road schemes, soul-less, greenfield ‘executive’ housing estates. The introduction of neighbourhood planning, while slow to take root and constrained by the wider policy framework, has been generally welcomed. It is one of the few genuinely localist measures of the recent reforms and, despite some teething problems, looks set to become a permanent feature of the planning system. In contrast, the centralising measures introduced by the Growth and Infrastructure Act 2013, including the widening of national decision-making on infrastructure schemes and measures to deal with ‘poorly performing’ local planning authorities have been heavily criticised as undermining welcome steps towards a more localist approach.

Permitted development

Another feature of recent changes has been deregulation; a rolling back the boundaries of the planning system. This has been most apparent in the extension of ‘permitted development rights’ (PDRs), where applications for express planning consent are not required. The Government’s recent attempts to widen PDRs over residential development as part of the Growth and Infrastructure Act were subject to a cross bench challenge in Parliament leading to a messy compromise involving prior notification of LPAs and consultation with immediate neighbours. The result is likely to be a much more complex and disputatious system than existed before. There are fears that further extension of PDRs over agricultural development will lead to isolated, sporadic development in the open countryside which local planning authorities will be largely powerless to control.

Housing land supply

As the need for more housing has grown, so have tensions over the way in which land should be identified to meet

that need. The changes to the process of allocating land for new housing set out in the NPPF has generated more opposition than support. This could be because recent policy changes have been based on the flawed assumption that the key obstacle to new housing is lack of land, rather than lack of finance – either on the part of developers or Government to build the houses in the first place, or on the part of those in need to buy the homes once built. Land supply is of course critical for the provision of new housing but the evidence shows that there is enough land with planning permission for more than 400,000 new homes (LGA/Glenigan, 2012), and there is capacity to provide more than 1.5m homes on suitable brownfield, or previously-developed, land (CPRE, 2011).

Priorities for a new Government

Against this backdrop, what should be the planning priorities of a future Government? CPRE would like to see significant improvements in the following areas: improving local democratic control over planning policies and decisions; a more robust approach to strategic planning; rediscovering the role of planning as a tool of environmental policy, focussing on efficient and effective land use; improving the system of planning for new housing, with a renewed emphasis on urban renewal, brownfield regeneration and better design; and reenergising the role of planning in promoting a high quality public realm, including a more beautiful and accessible countryside.

Perhaps the overarching challenge is to shape the planning system so that it fosters meaningful localism, as recently recognised by Hilary Benn (Daily Telegraph, 6 June 2013). This means taking forward and strengthening neighbourhood plans, but at the same time increasing the capacity of local planning authorities to support them and provide a local framework for them to make a real difference. Only by committing to genuine local decision-making are we likely to see the new housing that is needed being built in the best places.

A number of specific reforms could be made to reinvigorate the localism agenda and enable neighbourhood planning to achieve its potential. One vital priority would be to make it easier for urban communities to prepare neighbourhood plans, either by the creation of urban parish councils or by making the process for defining a neighbourhood forum simpler. Other reforms are needed to increase the status of neighbourhood plans once adopted. For example, local plan policies should be encouraged to allow more scope for neighbourhood plans to address major development issues. Some neighbourhood plans and policies could be incorporated into local plans through a simple council vote rather than through the current lengthy process of adoption, which includes a referendum. Finally, emerging local and neighbourhood plans should be given more weight in decision-making, including through supporting refusal of planning applications on grounds of ‘prematurity’ i.e. where plans are emerging but not yet finalised.

On top of this there is a continuing need to redress the imbalance in the appeals system which, as it is currently designed, is the antithesis of localism. The current system where the applicant has the right of appeal against refusal is skewed towards the interests of the developer and allows them to bully and intimidate local authorities and communities. This needs to be redressed with restrictions on the developers’ rights to appeal and the introduction of a new community right of appeal against planning approvals which conflict with neighbourhood or local plan policies, or where the local authority has a direct interest in the development in question. Localism in planning can also be strengthened by reform of policies over permitted development. Apart from fixing the problems and inconsistencies arising from recent extensions to PDRs, there is a need to explore the benefits and practicalities of allowing greater local flexibility in limiting PDRs.

Although much abused in recent years, the concept of sustainable development should remain a centrepiece of the planning system. If there is to be a continued presumption in favour of sustainable development, however, then it should be clear that this means more than growth in GDP. One of the principles of sustainable development concerns good governance. This should involve the promotion of creative, participatory decision-making processes to improve public involvement in local and neighbourhood planning. But if sustainable development is to find its full potential as a tool for integrating consideration of economic, social and environmental objectives, then it will require a strong commitment from across Government to an updated and powerful overarching sustainable development strategy to guide planning decisions.

Action will also need to be taken to address the weaknesses and serious democratic deficit that exists at the strategic level of planning, above the neighbourhood and district. Local Economic Partnerships, which in some ways have replaced the role of regional assemblies, are insufficiently transparent and open to criticisms of corruption. Suggestions of giving them a stronger role within the planning system will need to be carefully considered and, if pursued, at the very least matched by measures which ensure that LEPs are not distorting the democratic process.

The Localism Act’s ‘duty to cooperate’ should be strengthened so that clear policy support for co-operative strategic planning based on the functional geography of urban and rural areas. There should be a requirement for local planning

authorities to work together to prepare plans that effectively address strategic issues which cross authority boundaries, such as housing development. At present, large areas of brownfield land are being left idle and Green Belt is being put under unnecessary threat due to the lack of an effective strategic approach. Despite their weaknesses, reformed LEPs could play a valuable role in helping to deliver a more integrated approach to major infrastructure delivery, particularly transport. A new Government will need to learn from previous failed attempts to address the challenges of major infrastructure. The Armitage Review offers some hope in this respect. A clearer national plan for different types of major infrastructure – mainly transport and energy - which has been subject not just to extensive consultation but deliberative debate involving representatives of civil society groups as well as technical experts. A successful integrated infrastructure programme will depend on securing public and political consensus on priorities. Debates should be informed by scenario planning techniques, rather than trend-based forecasting and funding regimes need to be better aligned with infrastructure needs.

There is no doubt that a future Government will face a major challenge in meeting national housing needs. Recent economic conditions have led to a serious decline in levels of house building of all kinds, not least the provision of affordable, or subsidised, housing. It would be wrong to assume that the lack of housing can be solved by increased provision of market housing alone. Meeting the housing needs of those unable to afford to market rents or prices is likely to need sustained public investment at levels that we have not seen for decades.

Alongside these measures there need to be a greater recognition of the importance of land as a fundamental environmental, economic and cultural resource. It provides a basis for vital ecosystems services on the one hand, and a sense of place and even identity at the other. Future national planning policy needs to recognise the vital nature of the land resource, including the value of the wider countryside for the multiple benefits – economic, physical, and even spiritual – that it provides. At the moment planners are merely encouraged by the NPPF to ‘recognise the intrinsic character and beauty’ of the countryside in planning decisions. This should be strengthened through a general duty on local planning authorities to have regard to the desirability of protecting the countryside, including high quality agricultural land, for its own sake as well as to support efforts to secure the wider regeneration of our towns and cities.

There is a great deal of unfinished business in terms of urban renewal as recognised by David Miliband in his CPRE Annual Lecture in 2007. Not only do we need to find new ways of unlocking the potential of brownfield land, we need for decisive action as well as visionary thinking about the future of the high street. This will require new national and local targets to drive increased reuse of brownfield land and stronger financial incentives to help deliver them, as well as stricter controls over greenfield and out of town development. We need to reinforce the power of Green Belt policies to restrict urban expansion and encourage urban regeneration. The benefits of the urban renaissance in terms of increased investment, efficient land use and making better places should be extended to our smaller urban centres, rural market towns and villages.

To use land more efficiently, we should adopt the principles of ‘Smart Growth’ (CPRE, 2013) to avoid urban sprawl and promote compact, liveable places which reduce dependence on the car and prioritise walking, cycling and public transport. More walkable communities, with extended rights of way networks, can help in tackling ‘obesogenic’ environments and thereby contribute to public health objectives. We need to ‘plan more to travel less’ by securing development in the most accessible locations which can reduce the need to travel.

Of particular importance is the planning, enhancement and protection of the public realm. This is increasingly recognised as a vital component of liveable towns and cities. The contribution of the countryside to this notion has been long recognised by Labour Governments, for example through the designation of National Parks and the extension of the rights of way network. This public, or social, purpose of the countryside should be a centrepiece of rural planning policy. We also need to rediscover the value of beauty in the natural and built environment and ensure the planning system is equipped to promote it, through supporting such techniques as landscape character assessment and design panels.

Conclusion

We need a robust planning system if we are to meet future economic and environmental challenges. To view planning as an unnecessary obstacle to growth, a view that seems to have taken root within the Treasury in recent years is to misunderstand its true potential. As the ‘politics of place’ rises up the agenda, an effective planning system will be crucial for securing the public consent needed for essential development in the most appropriate way. The Atlee Government showed how during a time of great austerity planning can be central to rebuilding the nation and safeguarding the land, our most vital asset for public benefit. A future Labour Government would do well to head that lesson.

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8. Building homes for ‘One Nation’?

Opportunities for reform of land use planning

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Introduction

When Ed Miliband introduced the notion of ‘One Nation’ Labour, he was clear it was a ‘vision of Britain coming together to overcome the challenges we [face]’, drawing together the interests of an overwhelming majority of the population, against those of a very narrow, privileged section (Miliband, 2012). It gave a clear picture of Labour broadening its appeal:

‘We must be the party of the private sector just as much as the party of the public sector. As much the party of the small business struggling against the odds, as the home help struggling against the cuts. We must be the party of south just as much as the party of the north. And we must be the party as much of the squeezed middle as those in poverty. There is no future for this party as the party of one sectional interest of our country.’ (Ibid.)

For planning, the elimination of structurally embedded conflicts is not an easy mission. For all the emphasis of successive governments upon dialogue – between residents in areas where development is proposed, planning professionals and developers – the planning process is where clearly-defined, competing preferences, interests and needs have to be reconciled. As Table 1 illustrates, there may be a range of interests at play.

Table 1: Interests in the planning process for an imaginary Greenfield site with potential for housing development

Body	Putative interest
Neighbouring residents	Oppose development, retain amenity space; interest in keeping house prices high and enjoying use of land
Potential occupiers of new housing	Support development of high-quality housing (with different groups of potential occupiers favouring different tenures)
Local employers	Support development to help attract staff
Site owner	Support development, with tenure, standard and planning contributions driven by exclusively market
Local planning authority	Either oppose development (for electoral reward from existing residents) or support development with tenure, standards and planning contributions driven by local need
Conservation body	Oppose development due to environmental value

Clearly, this is a crass over-simplification – for instance, some owner-occupiers may be interested in seeing housing development for their children; the political priorities of local planning authorities will vary; there may be further conflicts between potential developers of employment or other uses and housing developers; different house builders may favour varying standards being required; there may be views from neighbouring local authorities; of course, the merits of different potential housing sites, and indeed proposed developments, will vary enormously. The point is simply that many decisions in planning bring with them competing interests, in a process which will produce winners and losers (and I doubt the imaginary scenario depicted in this table will be completely unrecognisable to anyone who has been involved in taking planning decisions). Conflicts may be particularly acute in some places (witness, for instance, planning judgements about major infrastructure projects, or the sharp controversy over the 2007 ‘eco-towns’ programme). Indeed, the period since 2009 has seen some of these conflicts played out within the Conservative Party, with not a little blood being spilt, often in the pages of the Daily Telegraph (as will be outlined in section 3).

This review will argue that there is a need for the planning process to be reformed, and overly defensive reactions which suggest that the planning system has hitherto played no role in seeing the shortage of housing in England reach crisis point are wide of the mark. For sure, planning reform is not a panacea in solving the housing crisis – it might release

land for development, but it wouldn’t itself get bricks in the ground. However, endorsing a ‘business as usual’ approach which only tinkers with the present system would reflect an unacceptable complacency about the scale of current problems. The planning process needs to represent a serious attempt to mediate between competing interests fairly and sustainably, responsive to more than those who are able to shout the loudest.

The second section of this contribution gives a brief review of the planning system prior to 2010, arguing that it is characterised by only modest reform since 1947, and that major failings became evident, notably in seeing a substantial housing shortage emerge. The third section reviews reforms carried out by the present, coalition government of Conservatives and Liberal Democrats, noting substantial tensions between the ‘conservation’ and ‘construction’ lobbies. The fourth and final section sets out, necessarily just briefly, ten propositions a future Labour should consider in formulating its future planning policies.

2. Planning from 1947 to 2010: stability with occasional change

Discussions of planning policy have tended to emphasise stability, although by no means complete stagnation, since Town and Country Planning Act of 1947, with an emphasis on discretion and professional judgement, and democratic decision-making. Of course, the system was not completely stagnant: in particular, there have been enduring tensions over the appropriate role of city-regions and county councils, the role and weight of development plans, and the changing relationship between central and local government.

Planning from 1979 to 1997

The Conservative governments of 1979 to 1997, at least in the period between 1979 and 1990, sought to ‘deregulate’ the planning regime, with reduced incursions upon the operation of the market, and a tendency to view planning simply as a burden upon business and impediment to economic growth. Attempts were introduced to simplify the planning regime – particularly in designated zones -, and to reduce the amount of local discretion that could be exercised, on the basis that the centre’s demand for growth should take precedence (Allmendinger 2011, pp. 3-7). In 1990, the emphasis changed: growing importance was attached to the status of local plans, and upon the role of planning in ‘environmental stewardship’, rather than simply supporting the market (ibid., pp. 6-12). Political pressure, notably from Conservative voters in areas where development was proposed, as well as from the rapidly growing number of those concerned with environmental protection, forced a shift in policy (Allmendinger 2011, p.6). As a result, in 1997 Labour inherited a system which, ‘unlike other areas of state activity or public policy, had not been radically altered’ by the Conservatives’ period in office (ibid., p.11).

Planning from 1997 to 2010

In 1998, the then Planning Minister Richard Caborn issued a ministerial statement: Modernising planning (DETR 1998a). It called for the streamlining of decisions, especially concerning infrastructure; a stronger role for regional-level planning; and much greater efficiency on the part of local authorities (DETR 1998a, pp. 6-12). Nonetheless, change was clearly intended to be incremental, with the government introducing the statement with a commitment to continuity:

In modernising the system, the Government does not propose to alter the basic principles. These have demonstrated flexibility and have served us well in the 50 years since they were put in place by the post-war Labour Government’ (ibid. p.4).

In 1998, after some activity by the conservation lobby against a perception of a centrally-driven push to increase house building, the government adopted a target of at least 60% of development being on brownfield (previously developed) land, and reaffirmed its commitment to protecting the green belt (DETR 1998b). Tensions between those pressing for housing and the conservation lobby were at their starkest in the South East of England, where the consortium of local planning authorities working on the housing numbers target proposed a figure of 35,000 to 37,000 a year. This was rejected at the inquiry by the government-appointed panel, which argued for 55,000 units annually; ministers finally reduced the target, first to 43,000 then to 39,000.

Perhaps surprisingly, Labour included a commitment to reform the planning system more radically in its 2001 manifesto, and the period between 2000 and 2004 was marked by a new focus upon ‘market reorientation, speed and delivery’ (Allmendinger 2011, p. 27). In 2001, a Green Paper was published Planning: Delivering a fundamental change (DTLR 2001). Allmendinger (2011, p. 27) suggests the period from 2000 to 2004 reflected a new focus upon ‘market

reorientation, speed and delivery’, which was certainly reflected in Secretary of State Stephen Byers’ foreword to the Green Paper:

Some fifty years after it was first put in place, the planning system is showing its age. What was once an innovative emphasis on consultation has now become a set of inflexible, legalistic and bureaucratic procedures. A system that was intended to promote development now blocks it. Business complains that the speed of decision is undermining productivity and competitiveness (DTLR 2001, p. 1).

The Green Paper provoked much reaction, with over 15,000 – largely negative – responses sent in response to the official consultation, plus a highly critical Select Committee report (Allmendinger 2011, p. 28). In responding to the consultation in its statement Sustainable Communities: Delivering through planning, the government softened its language substantially. Most of the proposals of the initial Green Paper were nonetheless enshrined in legislation in the Planning and Compulsory Purchase Act (2004), Particularly important features included the abolition of ‘Structure Plans’ (plans at the level of County Councils); instead, statutory Regional Spatial Strategies were to be agreed by the Secretary of State following proposals from Regional Assemblies comprising representatives of local councils and other interested bodies, including business and environmental groups. A further central feature was in the aim to reduce uncertainty for developers by ‘front-loading’ debate on proposals to the planning policy formulation stage, rather than waiting until the submission of a planning application.

In the 2003/4 financial year, new incentives were introduced to improve the speed of development control decisions (Allmendinger 2011, p. 119). Ostensibly, this led to a substantial increase in performance, although there were also concerns that it led to unwelcome ‘gaming’ of the system, with applications swiftly refused in order to meet targets (Ball et al 2009, p. 152). At the same time, there were doubts in government whether the reforms of the 2004 act would be sufficient to address the problem of ‘weak responsiveness of new housing supply to rising house prices’ (Barker 2004); a phrase drawn from the Terms of Reference for the Barker Review of Housing Supply, the first of two major investigations led by the economist Kate Barker.

There then came a further phase in Labour’s planning policy: from 2007 to 2010 there was a focus on ‘delivery, refocus and scaling back’ (Allmendinger 2011, p. 31). The Planning Reform Act of 2008 introduced a ‘streamlined’ planning process for major infrastructure, with final decisions on major infrastructure project shunted to an Independent Commission, and away from the Secretary of State, ostensibly removing political interference. In addition, uncertainty was to be reduced by replacing increasingly hefty, complex and unpredictable ‘Section 106’ contributions (namely contributions towards local facilities, affordable housing and local infrastructure by developers) with a Community Infrastructure Levy implemented at a flat rate in each area. The government also refocused the Planning Delivery Grant so that it became the Housing and Planning Delivery Grant, and incentivised both plan-making and housing delivery from 2008 onwards (ibid, p. 128).

A final attempt to ‘unlock’ major development in the planning system came with the announcement of the ‘Eco-Towns’ project in 2007 (DCLG 2007). This encouraged consortia to bid to build new towns, subject to meeting certain requirements in environmental standards and the provision of at least 30 per cent affordable housing. Crucially, these sites did not have to sit within the emerging Regional Spatial Strategies or Local Development Frameworks, and could thus ‘short-circuit’ the planning process. However, following tremendous local objection, only four proposals were provisionally approved to proceed in 2009, each of which enjoyed the broad support of local authority planners in the area (BBC, 2009).

Enduring challenges

There is no scope in this piece to undertake a comprehensive review of the strengths and weaknesses of the planning system between 1979 and 2010, but some points stand out. The system demonstrated an ability to prevent urban sprawl and safeguard green spaces, support major regeneration and retail developments, and increasingly became a major funder both of infrastructure and affordable housing. It is dominated by careful professionalism, with few allegations of corruption. And yet, there were also some substantial failings exposed:

- Housing supply dramatically failed to keep pace with demand. Dwelling completions in the 2000s never reached 200,000 a year, despite predictions of household growth at a rate of 252,000 a year (Department for Communities and Local Government 2009). These figures understate the scale of the crisis, as household growth was not evenly distributed, but concentrated in the South, due to the effects of economic migration: the National Housing and Planning Advice United pointed to a need of around 279,200 units a year in England (NHPAU 2009, p. 24). If anything, the gap between supply and demand was artificially narrowed through the over-supply of flats which then remained vacant in the Midlands and North.

- On a related point, house prices rose substantially, fuelled by planning restrictions as well as cheap mortgage finance and contributed to macroeconomic instability. In addition, inequality was fuelled, with rising house prices on the one hand, and greater homelessness on the other: Duca, Muellbauer and Murphy (2008) talk of ‘resource misallocations that can only be described as grotesque’.

- The planning system proved quite unresponsive to market conditions and signals. Additionally, plans were frequently out of date, with only 30 per cent of councils having an approved core strategy in 2011, seven years after the 2004 Act required them to develop one (CLG 2011).

- The system offered numerous ‘veto points’ for opponents of development to become involved in the system to thwart development, and indeed shape government policy (Cowell and Owens 2006). A potential developer of a large site under the 2004 arrangements would need to see it jump through numerous government, regional and local hoops to be included in the planning process, then actually gain planning consent (probably in at least a two-stage process) – with the possibility of legal challenge at every turn.

There is an interesting debate about the extent to which the housing shortage is fuelled by land-banking by developers, rather than problems with the planning system (Barker 2004; LGA 2012). The Office of Fair Trading investigated in 2008, and found very limited evidence of anti-competitive ‘hoarding’ of planning consents (OFT 2008). As Barker points out, too, if planning consents are difficult to get, that may provide an incentive to build them out slowly, so there is a need to assess the issues of the planning process and potential ‘land banking’ together (2008, p. 44). Certainly, the balance of evidence would suggest that land-banking alone cannot explain the growing housing shortage in this period, and planning constraints are at least as important.

3. Planning under the coalition: oscillating between the Campaign to Protect Rural England and the Home Builders’ Federation

Both the rhetoric and substance of planning policies under the Conservative / Liberal Democrat coalition between 2010 and the time of writing (2013) have displayed substantial contradictions between, on the one hand, an apparent sensitivity to the demands of the conservation lobby and district councils sceptical of the need for development (especially if it appeared ‘imposed’ from above), and, on the other hand, a series of policy interventions apparently tailored to the needs of major house builders, and generating singular unease elsewhere.

Abolition of regional planning and the emergence of the National Planning Policy Framework

Before the coalition took office, the ‘Spelman letter’ of 2009, by the Conservative Shadow Secretary of State, encouraged local authorities to ‘put the brakes on ... undesirable’ elements of Regional Spatial Strategies (Observer 2009), and in 2010 the new Secretary of State, Eric Pickles, in abolishing the strategies, stated that ‘Communities will no longer have to endure the previous government’s failed Soviet tractor style top-down planning targets - they were a terrible, expensive, time-consuming way to impose house building and worst of all threatened the destruction of the green belt. ... They were a national disaster that robbed local people of their democratic voice’ (CLG 2010). Coalition planning policies were dubbed a ‘Nimbyist charter’ by the chairman of house builder Redrow (Evening Standard 2010).

In July 2011, the government published a draft National Planning Policy Framework, which appeared to signal a very different direction to Tory policies hitherto. It heralded a liberalisation which, according to the National Trust, sounded ‘the death knell to the principle ... that the planning system should be used to protect what is most special in the landscape’. The local government minister, Bob Neill, in response, accused conservation bodies of a smear campaign, and there was a lively trading of blows all around (Daily Telegraph, 2011). In the end, some of the features of the draft NPPF which had most aggravated its detractors were amended – the definition of sustainable development was sharpened, transition periods to allow local authorities time to get their plans in place before a ‘presumption in favour of sustainable development’ would kick in where a plan was absent or silent, and there was a greater prioritisation of brownfield, as opposed to greenfield development.

At the heart of the NPPF is a requirement that local authorities provide a robust assessment of housing need in their areas, and then meet that objectively assessed need as far as they can consistent with other national policies, including a 5% ‘buffer’ for non-delivery (CLG 2012, para 47). A number of plans have been found unsound for failing to do this. The impression might be gained, therefore, that rather than councils being forced through regional strategies to allocate sufficient land for development, they are instead required to by a different mechanism: a combination of a locally-evidenced analysis of housing need, an obligation to meet that need, and, if no plan was approved by an inspector, a

hefty ‘presumption in favour’ of sustainable development in the absence of a plan. Still, overall the hiatus and revisions caused by the abolition of RSSs have probably led to the loss of over 270,000 homes from housing targets, notably in the South West and South East of England (Tetlow King 2012). The ‘duty to cooperate’ placed upon local authorities by the Localism Act is too weak an instrument to ensure solutions are reached where local authorities fundamentally disagree upon planning decisions (Hepher 2013).

Other initiatives

Alongside this substantial change, there have been a number of other, less significant reforms to the planning process. One to which ministers have attached particular importance is ‘neighbourhood planning’ – the process by which a ‘neighbourhood’ (either represented by a parish or town council, or, in unparished areas, a designated group) can set up its own neighbourhood plan to guide development, provided that it is in conformity with the NPPF and the local plan, and passes an independent examination and then a referendum in the area concerned (DCLG 2013a). Such a route may be attractive to some communities, although the costs (financial and in terms of time) and the rather onerous process have made this the pursuit of a relatively wealthy, rural minority in the main: it has been noted that the majority of neighbourhood planning initiatives are in rural areas, driven by ‘protectionist attitudes’ (Nathaniel Lichfield 2012, p. 3).

There has also been a series of government initiatives very much driven by house builders, and supported by HM Treasury, as well as the Cabinet Office. Some have been enshrined in primary legislation (notably the Growth and Infrastructure Act 2013), while others have been enacted by secondary legislation, or are in the offing. These include the extension of ‘permitted development’ rights, both for extensions to buildings (both commercial and – controversially – residential), and for change of use (DCLG 2013b; DCLG 2013c). The standards demanded of new housing are to be rationalised (DCLG 2013d). Councils which are slow in determining major applications, or have a record of seeing these overturned on appeal, can be ‘designated’ and lose their ability to handle such applications in the future (Growth and Infrastructure Act 2013), and costs can be attached to authorities who have acted unreasonably without applicants needing to apply for them (ibid.). Developers have also gained a new ability to appeal against requirements for affordable housing in existing permissions (ibid.). These initiatives appear based upon an analysis which considers the planning system responsible for imposing unwarranted restrictions, cost and uncertainty upon developers (including households wishing to extend, or businesses wanting to use buildings differently), and that lifting such restrictions will see development thrive. Such an analysis clearly neglects possible social and environmental costs of such changes, and will not add anything to the pool of sites available for development, which could offer a bigger prize in supporting development.

Overall, this brief discussion points to some incoherence in the coalition’s approach to planning, reflecting conflicting analyses of the failings of the planning system (whether, for instance, the problem is councils or neighbourhoods having too much control over development, as the extension of permitted development would imply, or too little, as the changes to regional and neighbourhood planning would suggest). This should be no surprise – as the introduction to this contribution suggested, the planning system is charged with reconciling conflicting, sometimes opposing, interests, and governments have historically been pulled between the ‘conservation’ and ‘development’ sides of the debate.

4. What will be needed in future? Ten propositions on planning reform

It is clear that, whatever government takes office after 2015, it will face an acute shortage of housing, with the abject failure to meet housing need prior to 2010 compounded by dwindling numbers of housing completions since. It will also face a need to stimulate growth (both through rejuvenating the residential construction sector, but also supporting new employment development) – while existing political challenges of the acceptability of new development, as well as a need for its sustainability, will not have gone away.

Below, ten propositions to inform the next government’s planning policy are set out, based in part on the foregoing analysis. Clearly, this list is not exhaustive, nor can the rationale behind each proposition be fully explained in the context of this short contribution, but collectively it is hoped they provide a framework for progressive reform of the planning system.

Proposition 1: ‘Be clear that meeting housing need is non-negotiable, and will the means’. The history of reform (and non-reform) of the planning system set out in this chapter demonstrates the likelihood of changes leading to the earmarking of substantially more land for development to face stiff opposition, and be either partially or completely thwarted. Evidence of a growing shortage of housing, and the release of insufficient land to meet need, is compelling, but without a clear political commitment to meet housing need underpinning other policy choices in

this area, substantial improvement will not be brought about. There may be political costs to this – those opposed to development (whether organised or as individual owner-occupiers enjoying rising house prices) will not go away. A future government would do well, therefore, to commission independent, objective, expert, evidence-based analysis of housing need, appropriately differentiated by area, and ensure that land supply (brownfield as far as possible, but greenfield or green belt where necessary) is aligned to this.

Proposition 2: ‘Major upheaval will lead to a hiatus: embed change within the existing system’. As the loss of units and uncertainty amongst developers following the ending of Regional Spatial Strategies demonstrated, a hiatus while a radically new planning system was developed, then, no doubt, politically opposed, the subject of legal challenge then compromise, would not help in meeting housing or other needs. More would be achieved by embedding changes within the existing system rather than, for instance, throwing out the National Planning Policy Framework and starting over again.

Proposition 3: ‘Reinvigorate strategic planning to facilitate development in appropriate, sustainable locations’. It is incontrovertible that some ‘big-picture’ decisions on the location of major housing developments and infrastructure cover areas larger than individual, second-tier or unitary local authorities, as do functional economic areas and housing markets (a point recognised but inadequately dealt with by the ‘duty to cooperate’ in the Localism Act, as well as the boundaries of Local Economic Partnerships). A future government needs to take on board this lesson. It could do so, for example, by requiring sub-regional Strategic Housing Market Assessments to be independently examined (for instance by those charged with assessing housing need according to proposition 1), by allowing the redrawing of urban boundaries where expansions are thwarted by the lack of cooperation of neighbours (as is the case in Oxford and in Stevenage, for example – cf. Policy Exchange, 2012), and also by taking some spatial decisions to the national level, for instance by setting out a National Spatial Plan alongside the National Planning Policy Framework. This could set out the location of new town developments as well as major urban extensions.

Proposition 4: ‘Ensure the planning system is dynamic and responsive to market signals’. A clear lesson of experience of the 2004 Act (as discussed in section 3), and also a finding of the Barker Review of Planning (Barker 2006, pp. 17-42) is that local plans need to be regularly updated, recognising the need for land for housing (of different tenures), employment or other purposes, and positive government action is needed to ensure such plans do not fall far behind. There has been a renewed impetus to plan-making brought by the NPPF’s sanctions for authorities with out of date plans, and this instrument should be retained and developed.

Proposition 5: ‘Planning obligations are a vital feature of the planning system, and should be clear and stable’. Obligations on those building new development to fund infrastructure and provide affordable housing have grown, and in the context of constrained national and local government finances are unlikely to be overtaken by alternative sources of funding. The level of such obligations should not be such that it renders development unviable, but critically its level should be stable and predictable. If a landowner expects the policy context to change and the level of obligation to diminish, he is likely to delay development in the hope of making a greater profit in the future. Equally, if obligations are clear and stable, this should feed back into land values, so that landowners cannot hope to develop their land without paying the set level of obligations. The coalition government’s decision to allow appeals against levels of affordable housing in existing developments was a step in precisely the wrong direction, encouraging developers not to proceed with building until an appeal was heard, undermining local policies, and of course diminishing the supply of affordable housing, and this should be overturned.

Proposition 6: ‘Fiscal incentives for development should be reviewed, and should support growth but not entrench regional disadvantage’. Barker (2006, pp. 147-58) correctly identified that improving incentives for local authorities to release land for development could improve housing supply, and international experience also supports such a view (Barker 2008, pp. 46-7). However, this is something successive government have failed to grasp (perhaps because to do so would require a wider reform of local government finance, which has persistently been put in the ‘too difficult’ box). Labour’s Housing and Planning Delivery Grant of 2007 did not prove successful in influencing local authority behaviour (Allmendinger 2011, pp. 124-9), while the current government’s New Homes Bonus (funded partly out of the pot earmarked for HPDG but mainly out of a ‘top-slice’ of existing local government funding) has led to a substantial redistribution of funds away from deprived areas less likely to see development happen, towards more prosperous ones – those in the first camp would be unable to attract development even if they wanted to, while those in the second might have seen development regardless of the Bonus (cf. NAO 2013). There could be mileage in providing councils with a share of the uplift in land values arising from earmarking land for development, and indeed this could incentivise developers to press on and build out land allocated. This would be a particular form of land value taxation; no doubt there would be substantial challenge from landowners about the fairness of such an approach.

Proposition 7: ‘Set high standards for new building, learning from the best practice abroad’. We know that new homes in England are smaller than their comparators abroad (RIBA 2013, p. 10), and there is also much we can learn from other countries requirements, for instance in relation to energy efficiency. The coalition government’s technical housing standards review, mentioned in section 4, had as its starting point rationalisation of current standards, and insisted that the overall cost of building should be reduced as part of a reduction in the ‘regulatory burden’ placed upon the private sector. Such an approach is short-sighted – if well-evidenced, exacting standards for new housing are adopted, not only will they provide benefits to future generations in the form of high-quality housing with a reduced adverse environmental impact, but there need not be an impact on most schemes’ viability if the expectations are clearly for the long-term, and so land-owners are forced to factor them into their calculations about the value of their land. Moreover, high-quality new homes are more likely to win public support. ‘More homes, and better homes’ has benefits in terms of political presentation as well as public policy!

Proposition 8: ‘Recognise that the market is not always the best judge of the use of buildings’. The government’s changes to permitted development mentioned in section 3 allow expand the ability of the market to dictate acceptability of uses. Yet sometimes changes of use bring other costs – for instance, economic costs where employment sites are converted to residential accommodation, or social costs if additional uses such as bookmakers’ shops or hot food take-away outlets are agreed inappropriately. This is an area where local control over planning could usefully be extended, provided councils act on the basis of appropriate evidence, without any adverse impact upon housing delivery or the wider economy.

Proposition 9: ‘Recognise the need for all sections of society to have a voice in the planning process, and plan tools for involvement accordingly’. Experience and research (e.g. Matthews and Hastings 2013) suggest that the propensity for some groups to get involved and make their voices heard in the planning process is significantly greater than it is for others. For instance, if a new development is planned, existing owner-occupiers are far more likely to become involved than those who do not yet live in an area, but would like to (for instance to support their employment), or transient residents in the private rented sector. Higher levels of education, and command of English as a first language, as well as being rich in free time, are all likely to stimulate further involvement. If these barriers to involvement are not explicitly addressed (and the neighbourhood planning process set up by the coalition government is oblivious to them), the interests of the ‘haves’ rather than the ‘have-nots’ are far more likely to shine through. Tackling these inequalities in participation could lead to greater political support for an expansion of housing supply (as advocated by proposition 1) than would otherwise be the case. Still, even the most enthusiastic and inclusive community engagement tools will have their limits: the rules of political organisation are still likely to mean that better-off, existing residents will make their voices heard more loudly than those in housing need, and this should be recognised by those taking planning decisions at every level.

Proposition 10: ‘End the tone of derision towards the planning profession’. With increasing regularity, politicians (in tone and in analysis) have shifted blame for the lack of housing delivery to planning professionals, rather than looking at themselves and the land use planning system they are responsible for. Apparently, planners are too slow, too conservative, bureaucratic and unreasonable in their demands. As this chapter has intended to demonstrate, this is squarely the wrong target for failure in housing delivery – the planning system has contributed to the housing shortage, and blaming professionals operating the system, for which politicians should shoulder the responsibility, is an unfair exercise in passing the buck. All those involved in the planning process, as discussed in the introduction to this piece, have a difficult job to do in reconciling competing interests (planning is thus much more of an art than a science!), and political recognition of this is essential. Attaching unwarranted blame to professionals diverts attention away from changes to the process which should happen.

As the introduction to this contribution highlighted, the planning process is asked to adjudicate between a range of competing, often opposing interests, very keenly felt by those involved. Those who argue that there are ways of eliminating this conflict from the process (for instance, by passing power to different bodies, such as ‘neighbourhoods’, or supporting particular sorts of development) are either naïve, or wilfully misrepresenting a particular ideological standpoint as being one of neutrality. The recent history of land use planning has led to some deeply damaging outcomes, most notably a housing crisis fuelling poverty and inequality; a determination to change outcomes will not find universal acclaim. That, however, is not a reason to neglect this essential task.

Acknowledgement

The input of Siobhan McAndrew into an earlier version of the second section of this paper is gratefully acknowledged.

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9. Garden Cities or Sheds in Gardens?

Kate Henderson, Chief Executive, & Hugh Ellis, Chief Planner: TCPA

Why Garden Cities and Suburbs?

The UK’s housing challenge, posed by the need for new homes of all tenures, is clear. Overcrowding in parts of the country is now so acute that people are being forced to live in sheds; outbuildings used or constructed for unconsented housing.

However, meeting the nation’s housing needs will involve more than just delivering housing units – we must create beautiful, green places which offer a wide range of employment, retail and leisure opportunities; supply a complete mix of housing types, including social and affordable housing; adopt low-carbon design; implement sustainable transport; provide well managed and connected parks and public spaces; and offer the opportunity to grow food locally. New Garden Cities and Suburbs can deliver all this.

What sets them apart is that this approach to large-scale development allows the necessary infrastructure to be planned in from the start, and existing communities can be protected from unsightly and unpopular piecemeal development. They also provide a powerful opportunity to introduce governance structures that put people at the heart of new communities and give them ownership of community assets. Applying Garden City principles to the development of new communities also allows for immediate access to the countryside, as well as the integration of smart technology. The Garden City approach provides a unique opportunity to offer people a better quality of life and more sustainable lifestyles.

Significant momentum has been gained recently, both politically and across the built environment sector, on recognizing the potential of the Garden City approach to development, for example, the Garden City principles have been enshrined in the National Planning Policy Framework.

This contribution highlights the opportunities to bring forward sustainable new communities and sets out some of the key barriers a future Government would need to address in order to unlock a new generation of world class Garden Cities and Suburbs.

Lessons from history

Over the last century Garden City ideals have proved to be outstandingly durable. Places like Letchworth and Welwyn Garden Cities and countless places inspired by them – both in the UK (from Garden Suburbs through to the post-war New Towns) and abroad – have stood the test of time and remain highly desirable living and working environments today.

Designed in relation to the sites they occupy, not only are they beautiful places, but they offer high-quality lifestyles that promote wellbeing; a wide range of employment opportunities and cultural services; a complete mix of housing, including social and affordable housing; walkable neighbourhoods, tree-lined streets and high quality design; vibrant parks; and opportunities for residents to grow their own food – while also promoting access to nature and opportunities for biodiversity.

Governance

The Garden City pioneers understood the powerful opportunity that new communities provide to introduce governance structures that put local people at the heart of their community and facilitate the ownership of community assets and high standards of long-term management.

Land value and long-term investment

From the private enterprise model of the Garden Cities to the national New Towns programme, and through to the variety of models used today, getting the most out of land value uplift is the key to meeting the building and ongoing costs of a new community. Having community assets established from the outset not only helps to facilitate social networks and contributes to quality of life, but also provides an opportunity for residents to be the major beneficiaries of land value uplift.

History demonstrates that large-scale development requires a long-term ‘patient’ investment approach. Properly managed and underwritten by the capture of land values, new Garden Cities can be good business. However,

development takes time; and whether the source of borrowing is public or private, significant investment is needed early on to prepare and plan the location and build the infrastructure, even though excellent commercial returns will follow for the investor in due course.

The benefits of quality and innovation

The Garden City model was socially and environmentally innovative, with high-quality materials and design central to its success and durability. Like the Garden City pioneers, we must foster innovation in planning and design and make use of the rapidly advancing technologies available to us, applying Garden City principles in new and exciting ways.

Today, we still face the primary challenges confronted by the Garden City pioneers: meeting a housing shortage, generating jobs, and creating beautiful, healthy and vibrant places in challenging economic times. Even with the additional contemporary challenges of climate change and globalised markets, Garden City principles remain as relevant as ever.

Although it is over 40 years since the last New Town was designated, large-scale new developments have formed an important part of housing supply in Britain as places have grown and evolved through the creation of urban extensions and new communities. This process of evolution has yielded much learning and a greater understanding of what works, and of what areas need particular care. It is clear that while new places can provide great opportunities, creating them and making them successful can be a very challenging task.

BOX 1: Garden City principles

- Strong vision, leadership and community engagement.
- Land value capture for the benefit of the community.
- Community ownership of land and long-term stewardship of assets.
- Mixed-tenure homes and housing types that are affordable for ordinary people.
- Beautifully and imaginatively designed homes with gardens in healthy communities.
- A strong local jobs offer in the Garden City itself and within easy commuting distance of homes.
- Opportunities for residents to grow their own food, including allotments.
- Generous green space, including: a surrounding belt of countryside to prevent sprawl; well connected and biodiversity-rich public parks; high-quality gardens; tree-lined streets; and open spaces.
- Strong local cultural, recreational and shopping facilities in walkable neighbourhoods.
- Integrated and accessible transport systems.

Why choose a new Garden City?

What is the right solution?

Garden City principles (set out in Box 1) are applicable to different models of large-scale development, including towns, suburbs, urban extensions, and villages – and the right solution will vary from place to place. The principles can also be applied to smaller, inner urban regeneration sites, although opportunities to maximise the benefits of Garden City governance models and land value capture may be fewer for smaller sites.

While the principles are applicable to different models of large-scale development, there are important distinctions between new large-scale communities, surrounded by countryside with sustainable links to other settlements, and suburbs or urban extensions built as part of the urban area of an existing town or city.

Why choose a new Garden City?

Well planned new communities provide an opportunity to create high-quality sustainable places, allowing for the highest sustainability standards, economies of scale, and better use of infrastructure. Key benefits of a new Garden City, as opposed to an urban extension, include the following:

- Green belt land can be protected and ‘urban sprawl’ can be avoided.
- The population of a new Garden City can provide the critical mass to support the necessary facilities for low-carbon lifestyles, such as rapid public transport, low-carbon energy systems, jobs located within walking distance of homes, and a range of cultural and leisure services, including a comprehensive green infrastructure network providing quick access to the wider countryside.
- Any negative impacts on the environment can be dealt with in a holistic way, with avoidance, mitigation and enhancement considered from the outset and integrated into the design of a new settlement.
- A new Garden City can be linked via sustainable public transport to another Garden City or existing town to provide

a broad employment and services offer.

- Politically, it can be advantageous to engage communities on a single larger proposal than on several smaller ones.

Garden Suburbs and sustainable urban extensions

Garden City principles can be applied at a range of scales. Sustainable urban extensions have been a popular approach to accommodating new development. The benefits of linking into existing infrastructure networks, such as transport, jobs and social infrastructure, include lower short-term costs.

Furthermore, depending on the site, sustainable urban extensions are sometimes perceived to have fewer environmental impacts. However, unless they are properly planned, urban extensions can result in ‘bolt-on estates’, as ambitions fall away over time from the original vision. In practice, such bolt-on estates can encourage increased car use as they are usually little more than dormitories, often without an economic or community centre. However, well planned Garden Suburbs or urban villages could address these possible failings if they follow the principles set out in Box 1 as part of a ‘Garden Communities’ palette of options.

In making these choices, the challenge for local authorities is to determine the best long-term solution. This means thinking at a minimum of 20- or 30-year timescales rather than in terms of the five-year housing supply requirements set out in the current planning system. Over the long term, substantial growth in housing need is forecast – if a long-term approach is taken, would endless bolt-on housing estates be the solution, or would a new community better resolve the issues raised by housing growth and meet the aspirations of the community as a whole?

What an incoming Government could do to unlock new Garden Cities and Suburbs

While there is no ‘silver bullet’ solution to unlocking the potential benefits offered by new Garden Cities and Suburbs today, the TCPA has identified the need for urgent action in five principal areas, to address barriers to the development of a new generation of world-class communities.

Vision, leadership and governance

If the nation is serious about delivering high-quality, sustainable new Garden Cities and Suburbs, we will need leadership at all levels, and a real commitment to the Garden City principles set out in Box 1. The incoming Government must make a sustained commitment to Garden City principles, recognising that large-scale, comprehensively planned new developments are worth investing in. This requires consistent policy and a reliable package of support for large-scale developments, to provide certainty for communities, local authorities and investors.

In addition to Government support, local authority leadership and advocacy of Garden Cities and Suburbs are also vital. Local authorities should urgently consider the role of Garden Cities in offering a better quality of life for local people, through beautiful, affordable homes in well-designed neighbourhoods, with access to jobs and truly sustainable lifestyles. Where they support such a project, they need to be willing to be entrepreneurial partners to help realise the vision.

And it is vital that communities are at the heart of debates about a locality’s future. We need a radical culture change in the governance of new communities, so as to rebuild trust in, and change public perceptions of, new communities and large-scale development – brought about through stronger community engagement and ownership of community assets, long-term private sector commitment, and visionary design.

Letchworth Garden City Heritage Foundation is a successful governance and maintenance model which could be used in new Garden Cities (see Box 2).

BOX 2: Letchworth Garden City Heritage Foundation – a governance and maintenance model

<http://www.letchworth.com/heritage-foundation>

In the case of Letchworth Garden City, the residual assets of the original development company (First Garden City Ltd) have been incorporated into Letchworth Garden City Heritage Foundation, which is a self-funding charity that reinvests for the long-term benefit of the local community. Endowment income generated mainly from its property portfolio enables the Heritage Foundation to provide additionality to services and facilities provided by the local council (North Hertfordshire District Council). Provision includes the operation of a cinema, a day hospital for the local community, a museum, a family farm, a community hub, a section of open space, a greenway around the town, a mini-bus service, and a tourist information centre. Substantial investment has also been made by the Heritage Foundation into a series of major projects and improvement schemes around Letchworth. In the past year over £3 million has been provided in the form of charitable grants and assistance under the Heritage Foundation's charitable commitments, ranging from small grants to local groups and societies, to substantial support for specific projects and facilities. The Heritage Foundation also operates a Management Scheme to protect the appearance of most of the residential parts of the town, at no cost to local residents. The Heritage Foundation model continues to apply in respect to new development on Foundation-owned land, leading to value generated by new development being reinvested back into the town and its community. The governance model is based on a team of Governors, who are either elected by the local community, nominated by local groups and societies, or appointed by the Heritage Foundation. The Governors elect a Board of Trustees, with two places on the Board reserved for nominees of North Hertfordshire District Council and Hertfordshire County Council. The Board is the Foundation's main decision-making body.

Unlocking land

The Garden City vision cannot be realised without access to the right land in the right place at the right price. The incoming Government can play a key role in the assembly and coordinated release of public sector land, working in partnership with local authorities and the private sector.

The incoming Government should also consider how the rules surrounding 'best value' might be modified to deal with specific deliverability and viability issues. There may be a case for releasing suitable public sector land at less than market value where this is demonstrably in the public interest. This would open up the prospect of delivering high-quality communities with, for example, a meaningful proportion of decent social and affordable housing and self-build plots. It is still possible to achieve good value for the taxpayer using this mechanism; it is simply that some of the returns to the public purse are generated through the growth of a new community and the wider economic benefits of housing delivery for the nation.

In order to align the vision for a new Garden City or Suburb, an incoming Government should encourage local authorities, landowners and developers to enter into a Garden City Joint Venture or Local Development Agreement. Capacity-building within public bodies is needed in this area to ensure that they become more adept at taking a strategic role and are empowered to take a lead in enabling development. Local authorities and Local Enterprise Partnerships could play a much more dynamic role in building partnerships and demonstrating how strategic co-operation can benefit housing, jobs and the environment.

Local authorities have the option of using powers such as Compulsory Purchase Orders (CPOs), which in certain circumstances can be appropriate for assembling land in Strategic Development Areas identified in Local Plans. Once a council has decided that it wants a large-scale new community, and the location has been identified through the Local Plan, CPOs could be used as a last resort where negotiations fail over land without which the development could not proceed. CPOs require a clear vision, a robust masterplan and a delivery plan to maximise land value capture. However, CPOs will only work where the local authority is not just enthusiastic, but also has proper funding and expertise, and the approach must be taken on with enthusiasm – without adequate skills and resources, CPOs will not be successful. In some cases, simply the suggestion that a local authority will use a CPO can be enough to overcome disagreements over land assembly.

If an incoming Government wants to empower local authorities to use CPO powers then capacity-building within public bodies is needed in this area to ensure that they become more adept at taking a strategic role and are empowered to take a lead in enabling development. Neighbourhood or town Community Land Trusts could be set up to facilitate the development of community facilities or affordable housing for members of the community. The use of a Community Land Trust would ensure that land gifted by the landowner (whether public land or land in private ownership) is used for the benefit of the local community. Some of the initial investment in the Garden City or Suburb should be held back in a Community Trust and earmarked for later investment in affordable housing or community facilities. For affordable housing, this funding reserve could be released after a certain period of time or once the population has reached a certain size, and an area of land could be set aside for this purpose.

Investing in infrastructure – balancing risk and reward

Garden Cities will not be delivered without long-term, patient investment to meet upfront infrastructure costs. De-risking development for investors is the only way to unlock the potential of high-quality new communities. Capturing the increased land values arising from the grant of planning permissions was the crucial and highly successful funding model used in the development of the original Garden Cities and New Towns. The incoming Government can play a key role in laying the foundation for local action:

- It could consider how land values can best be used for the long-term benefit of the community.
- It could provide certainty about policy and fiscal measures in order to de-risk investment, including providing clarity on how the range of measures and incentives currently available or recently announced might fit together – for example the operating duration of, and amount of financial support offered by, measures such as the New Homes Bonus and TIF (Tax Increment Financing) could be clarified, so as to de-risk prudential borrowing by local authorities.
- It could explore the possibility of local authorities being allowed to borrow against expected income from the Community Infrastructure Levy (CIL).
- It could consider European models of public sector infrastructure investment banks alongside creating a vehicle for investment. Institutional investors are looking for a transparent vehicle in which to invest, recognising the need for guaranteed returns. If the incoming Government and local authorities sufficiently de-risk large-scale developments, international investment may be attracted from sovereign wealth funds and other sources, such as major insurers. This vehicle could be the Green Investment Bank, providing low-cost, long-term loans for truly sustainable (criteria-specified), large-scale, high-quality sustainable developments.
- It could explore leasehold arrangements. The original Garden City companies intended to keep the freehold of the land, selling only the leasehold rights for housing and industrial development. The Leasehold Reform Act 1967 prevents this model being used in the same way today. The incoming Government should re-examine the opportunities that leasehold arrangements might offer in securing economic, social and environmental benefits for the community, and in the creation of successful places.
- It could prioritise and amend the eligibility criteria associated with funding opportunities such as Get Britain Building and the Growing Places Fund, so as to recognise the longer-term delivery nature of large-scale projects. This in turn could give greater certainty and confidence that public sector support would be in place to help overcome key infrastructure and cash flow challenges.

Planning ahead

Delivery of the Garden City vision requires long-term holistic master planning which sets out with boldness and flexibility local aspirations for high-quality communities. An effective strategic approach can maximise certainty for business and reap the benefits of economies of scale. It can also ensure that effective public transport, health and employment infrastructure, along with strategic green infrastructure, is delivered in the right place and at the right time. This requires the involvement of a wide range of investors, planners, designers and, crucially, the public. An incoming Government would need to create the opportunity for meaningful cross-border cooperation. A compelling vision for sustainability must be integral to new Garden Cities developed today. The Garden City concept and vision can be brought fully up to date through the application of new technology, design concepts and materials to create leading-edge sustainable developments. As the global economy moves towards a sustainable future – driven by resource efficiency, climate change and competitive advantage – the Garden City model, premised on leading-edge sustainability principles, is becoming one which will attract investment and new jobs, as well as wider emulation.

Skills, co-ordination and delivery

If an incoming Government wishes to pursue large-scale new Garden Cities or Suburbs localities will need a dedicated planning and delivery team with the right skills and expertise. Planning and delivering a large-scale new community is a serious and distinctive task requiring a highly focused and motivated team. It cannot be undertaken in the margins of another task or occupation. Both the original Garden Cities, with their private development companies, and the post-war New Towns, with their Development Corporations, had dedicated and specialist delivery vehicles. Owing to their complexity they required a long-term, dedicated means of delivery, with a multi-disciplinary delivery team. Councils need to consider whether they have the dedicated skills internally or whether a Development Corporation model may be the best option (see Box 3). As with the Garden Cities and the New Towns, the team for any large-scale new community developed today will have to share the common goal of bringing forward the new community in the most sustainable way. There also needs to be a clear transition plan to local authority control and a strategy for long-term asset management, either by the local authority or by a Trust.

BOX 3: The case for Garden City Development Corporations

New Town Development Corporations (NTDCs) were purpose-designed to deliver large-scale joined-up development, and did so very effectively for over 40 years. The Act under which they were created still exists, but has not been used in recent times. Two principal reasons for this are:

- Development Corporations are seen as agents of central government, imposed on local areas and denying local authorities of their normal rights and planning powers.
- Development Corporations were funded by central government loans (which, in fact, were repaid with interest 40 years early, leaving HM Treasury with a healthy surplus of over £1 billion of remaining assets, which have been used to part-fund the programmes of the Homes and Communities Agency and its predecessor bodies ever since).

The first of these points could be overcome if the incoming Government were to find a way of allowing local authorities to create and effectively own the Development Corporation, appointing their board and providing their operating brief. The second problem, of funding, could be overcome if the Strategic Land and Infrastructure Contract approach were to be adopted, although some interim finance from central government would still make good sense and, on previous evidence, would provide a good investment for the taxpayer. The locally based Development Corporation could become the contractual partner for landowners and for infrastructure providers, providing transparency, clarity and greater confidence all round.

Are Labour ready to meet the challenge?

We are currently presented with a unique opportunity to shape the future of the nation. There is no doubt that we will build new homes, but the challenge is whether the future Government has the determination to leave future generations with a legacy of beauty and durability which truly meets the challenges of the 21st century.

Garden Cities are clearly a cost effective solution to the housing crisis, however they will not be built without public consent. This contribution has already set out the importance of community participation in Garden Cities but the wider issue is how a new Government will tackle the toxic debate around new housing growth. There is no single magic bullet to solving this problem as the failure of financial incentives in the new homes bonus illustrates. In fact, we require a package of measures including strong central government leadership alongside genuine bottom up support for growth led by local authorities. Where councils can see the benefits of growth Government can provide the full weight of rewards and support including the use of development corporations. But will people opt for growth? Only if there is a new national conversation about high quality and inclusive housing. Only if we understand and speak to local fears and hopes over change. Finally, the debate will only move on when a new Government acknowledges the opportunity for growth outside the constrained environment of the south east. Housing can play a huge role in rebalancing our nation but only if we are prepared, on occasion, to lead the market.

Further reading

The TCPA has recently produced a number of documents as part of its Garden Cities and Suburbs campaign which explore the need, barriers to and opportunities for bringing forward large scale housing development as one of a portfolio of solutions to address the housing crisis in the UK:

TCPA (March 2013) Creating Garden Cities and Suburbs Today: A Guide for Councils

TCPA (May 2012) Creating Garden Cities and Suburbs Today: Policies, Practices, Partnerships and Model Approaches

TCPA (April 2012) Nothing Gained by Overcrowding!

TCPA (June 2013) Re-imagining Garden Cities for the 21st Century

TCPA (September 2012) Land Value Capture and Infrastructure Delivery through SLICs (written by John Walker)

TCPA (March 2013) Health and Garden Cities

Dr Alan Holmans (September 2013) New Estimates of housing demand and need in England, 2011 to 2031.

10. The Basis for a Labour Party Policy on Planning for Housing

Duncan Bowie: Senior Lecturer in Spatial Planning, University of Westminster

The Current Context

Planning and housing post-recession

The housing market recession in the UK in 2008-2010 generated a need to review policy on housing and planning. Even before the recession, the Labour Government was concerned at what it considered to be insufficient house-building in relation to estimated demand. The Government saw this lack of supply as responsible for the high level of house-price inflation. It commissioned the monetary economist Kate Barker to conduct successive reviews of housing supply and planning to seek to identify the source of undersupply and to recommend changes in government policy and practice. The Barker review of housing supply drew attention to the role of planning in facilitating or restricting housing supply. While in my view much of her critique of planning was unsound, as despite or possibly because of her monetarist background, she actually ignored the role of a range of external factors such as the availability of credit and the limited historic investment in transport, utilities and social infrastructure, her report led to the Government seeing planning and planners as a critical, in fact primary, constraint on housing supply.

Barker was then commissioned to undertake a further review - this time of the land use planning system, another subject on which she had relatively limited knowledge. Reaffirming the view of new London government and the Treasury that planning and planners were the main obstacles for growth, she focused on a number of mechanisms and policy changes to speed up the planning decision making process. While the recession demonstrated that the supply house-price relationship was perhaps more complex than understood by Kate Barker and her colleagues, there was only a gradual process of recognition that perhaps the focus had been on the wrong issues. With Brown moving from the Treasury to 10 Downing Street, the Government promoted a number of measures to focus planning on supporting economic growth, with a number of measures incorporated in the 2008 Planning Act. While this focus on growth for its own sake was inherited by the Coalition government, Cameron as prime minister and Eric Pickles - as communities secretary - publicly attacked the planning profession as the main obstacles to growth. In introducing the Localism Bill which sought to fundamentally weaken strategic planning which was seen as over-centralised, the Government swung to the opposite extreme of promoting neighbourhood plan developed by groups of existing residents as a populist alternative to top down planning by technocrats. Yet more recent reforms have recentralised some components of the development management system. There is little consistent in the Government's approach to planning and many policy and process changes have been proposed as short term fixes (often with unintended negative consequences) rather than as part of a coherent strategy.

The recession presented a new challenge for the planning system. The policies of the Coalition Government as promoted in the Localism Act however present a more fundamental challenge not just to the planning profession but to the whole concept of planning as a function and as a discipline. The fact that housing output was unsatisfactory during the boom period raised fundamental questions as to whether or not planning was failing to deliver what was needed. A period of recession presented both the opportunity and a necessity to review the fundamental principles of both housing and planning policy and the mechanism for achieving them. The current political attack on planning raises an even greater necessity for re-examining both our purpose and our functions. It is therefore useful, before applying our principles to the specific issue of the role of planning in achieving housing policy objectives to set out an interpretation of basic principles for a progressive planning policy.

The Coalition Government's Reforms

The Coalition government first abolished national planning targets for housing and then abolished the Regional Spatial Strategies and the regional and housing targets included within them. They withdrew national guidance in minimum density for residential development, which had been 30 dwellings per hectare, cancelled the target that 60% of new development should be on brownfield land and the requirement that all sites with a capacity for more than 10 homes should include a proportion of affordable housing. It was the Government's view that local planning authorities should set these targets themselves without any national or regional framework. It was to be for local planning authorities to decide whether any new homes should be provided, their tenure, size and built form. The Government also introduced through the Localism Act the idea that each neighbourhood could determine its own plan.

The Government, believing that the planning system and planners obstructed economic growth by blocking or delaying

new development, also tried to speed up the planning system. Under the Localism Act, planning authorities who are slow to make planning decisions or have a record of decisions being overturned on appeal, will see their planning powers transferred to the Planning Inspectorate. Land use control is being liberated with the extension of permitted development rights, not just to allow larger dwelling extensions, but to allow change of use from industrial, office and retail uses to housing. Developers who now object to planning agreements they entered into can ask the Planning Inspectorate to waive or modify obligations to provide affordable housing.

The Government is also considering through its red tape challenge, options for reducing the use of quality and environmental standards in planning. Reforms to housing policy have been even more radical. The Government abolished all funding for social rented homes, switching the limited budget remaining to the provision of so called ‘affordable’ rented homes at rents of up to 80% market rents, certainly not affordable by the majority of tenants in higher cost areas. The Government then gave the freedom to local authorities and housing associations to determine the level of security for new tenants, with a minimum of two years. The Government then cut housing benefit to private tenants before introducing a benefit limit on all social housing tenants, an overall cap of £500 a week on total benefit for a household, and then a reduction in benefit for tenants in social housing deemed to have surplus rooms, a measure which became known as the ‘bedroom tax’. The Government’s assumption was that rents would fall. The first analysis of the caps on housing benefit (local housing allowance) for private tenants has shown that in 94% of cases, tenants had to pay the rent/benefit differential, while in only 6% of cases did landlords reduce rents to the capped level.

The Government also has reinvigorated the council house sales programme by increasing discounts (to up to £100,000 in London) and planning to reduce the qualifying period from 5 years to 3 years. The consequence of these combined planning, housing and welfare reforms makes it very difficult for lower income households, whether unemployed or in employment, to stay in higher cost areas such as much of London. It also makes it very difficult for councils and housing associations to build new council homes, while the stock of existing council homes will fall further.

The new focus on viability

One of the questionable assumptions made by the Government is that the main reason for the slowdown in development is that post-recession projects are no longer sufficiently profitable for developers and that the main reason for this is that local planning authorities have imposed onerous requirements on developers, such as a requirement to provide affordable housing on site, or a contribution so that affordable homes can be provided elsewhere. The Government’s position is that local planning authorities should not stop landowners or developers from making a ‘competitive return’ and that a developer should be able to be exempted from any agreement entered in to if this is the only way a development can provide the required profit margin. This focus on delivery on developer viability however misses the fundamental point that planning agreements are only sought by local planning authorities where they are necessary to make a development acceptable in policy terms. To argue that a development should go ahead even if it does not meet the planning policy set by the local planning authority as part of its statutory duties following public consultation and having been judged to be sound by an independent inspector, just because a developer says that a scheme has to be changed if a profit is to be achieved, shifts the balance too far away from public interest to private interest. Planning is always about a balance between meeting evidenced based public policy objectives and ensuring deliverability, but this new focus on developer viability at the expense of public policy objectives, shifts the balance too far in favour of the developer interest. The position has shifted not just because the market is now more volatile (though Central London development is booming again), but because government has dramatically reduced the public investment on which private developers relied. There needs to be a rebalancing of the relationship between public and private sectors and between public and private interests.

Strategic planning and localism.

The Coalition government has severely damaged both the principles and practices of strategic planning, with the weakening of national planning guidance, the abolition of regional planning (outside London) and the weakening of borough/district level planning through the transfer of powers to unaccountable neighbourhood based interest groups. Planning decision making requires an appropriate level between different levels of governance. Without a strategic level of planning, neighbourhoods become not just self-determining but self-reliant – this creates greater spatial inequities as better off neighbourhoods can defend their exclusiveness, while poorer neighbourhoods remain under-resourced in terms of meeting the challenges they face.

Restating the need for planning and its public purpose: moving from negative planning to positive planning.

It is essential for the Labour Party to restate the public purpose role of planning. Planning is not about just stopping people from doing what they as individuals want to do, but it is also about planning for the needs of both current and future generations. It is a necessary function for the state at all its levels: national, regional, sub-regional, district and neighbourhood. There has to be a discussion as to the appropriate level for different forms of planning intervention, as there needs to be a debate about the relationship between planning policy and development management in an

increasingly fluid economic and governance context. We need to shift the perception of planning as a negative factor to planning as having a positive purpose and having an essential role not just in mediating between conflicting interests and in shaping places for the future, but in delivering social justice at a spatial level. Social justice must be one of the core objectives for the Labour Party, and planning has a critical role in delivering this objective.

Principles for a Progressive Planning Policy

This review starts from the following principles:

- a) The purpose of planning is to achieve an appropriate balance between social, environmental and economic outcomes. A progressive socialist approach must reassert the social objective which is often lost in the debates between economic growth and environmental sustainability. Planning should seek to reduce spatial inequities and minimising spatial social polarisation and aim for spatial equity.
- b) Planning has to be proactive and not just reactive. Planning is a fundamental component of governance and is a responsibility of all levels of government. Planning is about political choices and relates to the allocation of land and development capacity between competing interest groups.
- c) Planning must involve regulation of the market and direction by government of market interests to achieve maximum public benefit. The issue of assessing benefits and dis-benefits of plans and planning decisions is fundamental. A socialist approach to planning focuses more on distribution of outcomes than on processes. Private profit should be used primarily for public purposes.
- d) There must be an appropriate balance between the six levels of planning – international, national, regional, sub-regional, district level and neighbourhood. While the objective should be to maximise resident involvement in planning and decision making at neighbourhood level, this must always be constrained by decision making at higher levels necessary to achieve the fairest outcome in terms of the first objective. Individual and group interests must be constrained to limit negative impacts on others. Planning is the arbiter between private interest and wider public policy objectives.
- e) Planning is only one component of governance. Implementation requires public control over land and investment resources.

The role of planning in the delivery of housing policy

It is important to recognise that while planning can contribute to the delivery of housing policy outcomes, it is only one of a number of components and unless the other components are in place, the outputs will be limited. It should also be recognised that in terms of the existing framework, planning only impacts on new development (and, in some circumstances on the change of use or alteration of existing development) and consequently the main role of planning, so far as housing is concerned, is to enable or constrain new housing supply, with very little impact on either the form or use of the existing stock of both residential and non-residential property. The rest of this contribution focuses on housing supply.

To set out a framework for considering the role of planning in enabling housing development, it is first necessary to set out what is considered to be the appropriate output from a programme of housing development and then to set out the key components of the housing development process. The objects of a housing programme need to include:

- a) Numerical output which meets housing requirements incorporating household population growth and any backlog in housing need, reflected for example in overcrowding of occupation of unfit premises which are beyond economic repair;
- b) Housing which is of a type appropriate to meeting requirements in terms of built form, bedroom size mix and standards;
- c) Housing which is located in areas within which people wish to live and which is supported by employment opportunities, transport and social infrastructure and access to open space;
- d) Housing which is affordable in both capital cost and revenue cost terms by the households for whom it is intended; and
- e) Housing which is in effective use, in terms of not being under-occupied and not involving an ineffective use of resources in terms of both public subsidy and space.

It follows that there are a number of components for the delivery of such a set of objectives:

- a) Sufficient land coming forward for residential development in appropriate locations; the labour, skills and materials to deliver the numerical output;
- b) A planning and building control regime or code, which ensures housing is appropriate to meet requirements and complies with a set of standards;
- c) A planning regime which ensures that housing is only built in locations where employment opportunities, transport and social infrastructure and open space is provided and that a funding mechanism is in place to ensure delivery of these components of sustainable communities;
- d) A funding regime, either in terms of funding bricks and mortar or household costs which ensures housing is affordable by the households for whom it is intended; and
- e) A mechanism for ensuring resources are used effectively. This can include for example, density controls, licensing of development and/or occupation and financial controls including taxation measures, which dis-incentivise underuse of land or residential property.

Planning can contribute to meeting most of these preconditions:

- 1) Planning involves the assessment of development capacity for residential and other purposes and the allocation through plans or planning briefs of identified sites for specific uses. Planning can protect land from residential development by allocating it for other uses, such as employment uses or open space. Planning can promote mixed use development through more intensified development of underused sites to provide residential development while retaining other land uses. Planning can therefore constrain or facilitate the provision of new development. Through planning policies, through rationing land supply, it may impact on land values. Planning policies which allow higher density development increase land value of sites with development capacity. The value of land is however also affected by the comparative value of existing land use or alternative non-residential development, and by the level of the effective demand for the development output.
- 2) Planning can set certain standards, though in practice physical, component and energy standards are primarily a building control matter. Increasingly planning is being used to set minimum space standards - for example for internal space or for external playspace and amenity areas or provision which meets the needs of specific households. For example households with mobility difficulties or who are wheelchair dependent. Planning can also set rules for the built form of homes (for example house, medium rise flat or high rise flat), or the number of bedrooms in a home, or the affordability of a home – in terms of whether it is some form of affordable housing (social rented, sub market ‘affordable’ rented, low cost home ownership or open market provision). Planning cannot however determine who owns a property, who lives in it or whether it is under-occupied or overcrowded. Planning cannot determine the environmental impact of a dwelling in use, in terms of energy use, water use or degree of waste generated – human or otherwise. This issue of the use of prescriptive standards within planning policy remains contentious. The use of planning to set design principles is also contentious. Design standards will not just impact on appearance of new residential development but on who accesses the homes in terms of affordability and cost.
- 3) Spatial planning sets out the locational and land use framework for the development of sustainable communities.
- 4) Planning has little impact on the availability of the investment to ensure affordable housing is delivered.
- 5) Planning can have some impact on ensuring the effective use of resources.

The key considerations to apply to policy on planning for housing

It is important to set principles for planning for housing within this real world framework, while recognising that not all of this framework is fixed and unchangeable.

Sustainability – economic; environmental; social

Planning for housing must incorporate these three basic principles of spatial planning. It is however important to refocus on the social sustainability issue, as this is the key principle that PNUK can bring to the debate, and one which has been discounted both in plan-making and in planning practice. Even the best plans, for example the London Plan of Ken Livingstone, have largely failed the social sustainability test in their actual implementation. Social sustainability is not just some theoretical and ill-defined concept of mixed and balanced neighbourhoods. It is about residential

neighbourhoods having jobs or affordable access to real employment opportunities, about having a quality social infrastructure and about homes being affordable by lower income households. Economic sustainability is about long term economic viability of a neighbourhood, not just profitability for the developer. Environmental sustainability is about quality of life for residents, as well as climate change mitigation and protecting biodiversity.

Spatial equity

Progressive planning must be about achieving spatial equity in new developments and reducing spatial inequity within and between existing developed areas. This is not just about mixing poorer areas by bringing in the better off, but by mixing better off areas by bringing in lower income households. This is about a form of planning which is not driven solely by differential property values in different areas – it is about fundamentally challenging this market framework. Planning must contribute to building an infrastructure and a quality of life for lower income and disadvantaged households. It is about using the value from new up market developments to support investment in the areas which are disadvantaged. Planning has to be redistributive, and together with effective use of taxation and investment powers has to be explicitly a positive action programme both for areas and for households who cannot self-fund their sustainability.

Private profit and public benefit

The role of public sector planning is therefore to use planning powers to ensure that private profit is used for public benefit. Where private profit is enabled through public sector investment, for example through public investment in transport or schools or health facilities, or through tax reliefs, there should be a return to the public sector to be used for wider public purposes. While in a mixed economy, private sector investment has an important role in supporting development, Local Planning Authorities need to set the framework for its use, and seek to achieve an appropriate balance between ensuring private investment is secure for the investors so that a development is actually taken forward, and the need to ensure maximum benefits for the neighbourhood, for local residents and for public policy objectives as a whole.

A Brief Review of Key Issues

An integrated planning system - housing, jobs and transport

We need to re-establish a framework for an integrated spatial planning at national, regional sub-regional and district level which re-establishes the link between land use planning, planning for housing, employment, transport, utilities and social infrastructure and social and environmental objectives. The Government should produce a national spatial plan for England which relates to the national infrastructure strategy and which incorporates national policies for housing, transport, employment, energy and for the environment. The national plan should identify areas for employment and residential growth and should link to a funding and delivery framework.

Identifying sites for development

The Government needs to assist local planning authorities in identifying sufficient housing development capacity to meet current and projected demand. It should publish criteria for the identification of large sites for development which meet social, economic and environmental sustainability objectives. The Government should also issue guidance on planning for large sites which includes consideration of all the necessary components for a sustainable new settlement or urban extension.

Type of development and affordability

It is critical that Government planning policies not only support provision of sub-market housing but that guidance is given on types of sub-market housing based on the affordability to potential occupiers across the range of incomes and household types, rather than equating all types of sub-market housing under the misleading term ‘affordable housing’. There should be a requirement on all planning authorities to plan for the full range of housing needs. We also need to apply appropriate policies in relation to density and built form to ensure that residential development is sustainable and to avoid inappropriate overdevelopment and underdevelopment.

Land

Land suitable for residential development must be brought into effective supply at a cost which does not obstruct the provision of housing for lower and middle income households. This means limiting speculative acquisition of non-housing land for housing purposes.

It is important that public bodies make land available for housing at no cost. For private sector land, there needs to be a limit on land payments relative to existing use value, to limit landowner /developer gain from a rezoning of land. Government could issue on guidance on this to correct deficiencies in recently issued valuation appraisal guidance. Local authorities should take equity stakes both in their own land post disposal and in private developments, so that increases in sales value can be repayable to public sector for reinvestment. Planning consents could also include price

and rental caps on completed ‘affordable’ units to protect affordability in longer term.

Constraining the luxury sector

Development capacity is limited and needs to be used effectively. Zoning land for specific types of affordable housing would also suppress land costs and limit production of luxury housing. An alternative would be to have a maximum space standard as well as a minimum standard. Changes in property taxation (council tax revaluation with higher bands and value appreciation tax) would also lead to more cost effective use of both existing and new housing stock. Planning conditions could be used to control occupation – for example a new land use class of private housing for occupation could be pursued as could the options for limiting international purchases – i.e. a purchaser would need to demonstrate an existing residential or employment connection to the area. Higher taxation and restriction on second homes should also be considered.

The importance of land use control

It is important that planning authorities retain sufficient controls over land use to restrict inappropriate development. Recent liberalisation in terms of permitted development removes a local authority’s ability to ensure an adequate long term supply to meet forecast needs for different land uses beyond short term market demand, as well as ensuring development is appropriate for a location in terms of appropriate transport and social infrastructure.

Governance structures – city regions and counties

In order to re-establish appropriate frameworks for planning at a more than local level, arrangements for joint planning needed to be strengthened beyond the duty to co-operate provisions of the Localism Act. Local Enterprise Partnerships are not an adequate basis for sub-regional planning. For metropolitan areas, a formal city region joint authority arrangement which includes planning and housing investment powers may be appropriate. In other areas, county councils may provide the best basis for new strategic planning bodies. These bodies could be given powers of strategic development management as well as plan-making.

Responsible Localism

Localised plan making and planning decisions, whether at neighbourhood or district level need to have regard to wider impacts. No neighbourhood is a self-contained and self-sufficient community. We need a clearer framework for devolution and delegation of decision making which retains strategic decisions at a level which is not dominated by localised interests. This means that we do need a clear position on the appropriate level of decision making for different functions, based on clear evidence and explicit impact appraisal. Any planning decision just like any resource decision means a choice between different options and we need to consider the interests of those disadvantaged by a decision as well as those who benefit from it. Localism without accountability and without such a strategic framework can only reinforce existing spatial inequity as well not ensuring that the needs of future generations are met. Planning for the future is something more than the aggregate of local aspirations.

A Framework for Change

There needs to be an effective spatial planning system at national, regional and local level, which incorporates comprehensive assessment of housing required for all household types and in all sectors, and where targets for new housing supply are based on a consistent approach to identify capacity for residential development which meets the criteria for sustainable residential quality.

Taxation on development, for example through the Community Infrastructure Levy (CIL) should be predicated on a demonstration that measures will neither delay appropriate development, nor reduce the quantum and quality of affordable housing output. Local authorities could consider as an alternative to levying CIL or planning contributions at commencement, the possibility of taking an equity stake in any future value appreciation. While this can be achieved through land disposal covenants or through the establishment of joint venture vehicles, the Government should amend planning powers to allow local authorities to take an equity stake in a private development as a condition or planning consent. This would be a constructive alternative to both the current system of planning obligations through s106 agreements and the proposed community Infrastructure Levy, and could replace both regimes. This would ensure that a development is not delayed by onerous initial obligations. It will protect the public sector interest in terms of benefiting from any long-term value appreciation.

The current position of the market has led to some restructuring of the private house-building sector. This presents new opportunities for land assembly and the procurement of development contracts. The parcelling up of land for development by a range of developers rather than reliance on a single developer can both spread development risk and ensure a range of types and styles of housing provision. It could also reduce the negative impact of local land ownership monopolies. The UK could benefit from the experience of some other European countries.

The Government should establish minimum qualitative and space standards applicable to all new residential development, with exceptions only permitted in clearly specified exceptional circumstances. New development and refurbishment should be to the highest energy standards consistent with value for money principles, using available demonstrable experience from other countries (particularly European) to inform how best to reduce carbon emissions, energy bills and fuel poverty.

Government must ensure that planning policy and guidance is realistic. The plan making system needs to be speedier with the ability for plans to be reviewed quickly in response to changing external factors. There remains a requirement for national guidance. Devolution of plan-making and decision making powers to local authorities or unelected neighbourhood bodies, without an explicit national framework, is going to lead to inconsistency, ineffective use of resources and increase rather than reduce social polarisation and spatial inequities.

Government should promote the positive role of planning and the importance of collaboration with other professions. There is also a need to recognise the importance of both development management and effective plan making, monitoring and developing appropriate mechanisms for plan implementation.

Planning must be supported by adequate investment resources including direct subsidy to the provision of affordable housing, transport, utilities and social infrastructure. The effective use of residential development needs to be incentives through appropriate tax measures.

New skills are needed by planners and by those in related professions. Planners need to be fully aware of all the factors which impact on delivery of housing and deliverability of planning applications. This includes knowledge of housing market factors, funding arrangements and development viability. Government and academic institutions should focus on supporting relevant higher education courses and CPD provision.

11. Balancing national ambition and local initiative: effective governance in the planning system

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Introduction

The Coalition Government has been trying to face both ways on planning: on the one hand they have been giving the impression that local communities will have more say in planning decisions through neighbourhood planning and localism, but on the other they have been using the Planning Inspectorate to force through major developments in a seemingly random way in the absence of any formal system of strategic planning at the sub-national level. Ironically a reform process driven by the rhetoric of localism and devolving power to the people has ended up centralising decision-making away from local people and placing it instead with the Secretary of State or a national unelected quango.

This has had the effect of upsetting everyone. On the one hand, local communities have become increasingly disillusioned about the planning system because it has not delivered what the Government promised. On the other, the development industry are having to operate in an uncertain and seemingly random policy environment which has involved drafting and redrafting of the NPPF, making forward investment decisions more risky, adding to costs and delays. The lack of a formal system of strategic planning has also made it difficult for local authorities to ensure that infrastructure is properly planned to support growth.

This chapter will seek to set out the governance priorities for a future Labour Government with regard to planning. Given the interplay of national and local priorities it will be necessary to clearly set out on which levels of governance strategies should be set and decisions taken, in order to ensure the effectiveness and clarity of the system overall. In particular, once the national and strategic framework is established, the chapter will explore the role and scope of local democratic accountability in representing the concerns of local people in the planning process.

The need for national leadership

A future Labour Government will need to reinstate honest and transparent leadership on planning and housing policy. The role of the planning system as a mediator should be restated: as a mediator between national and local interests and as a mediator between different and competing interests in communities and neighbourhoods. Within this it will be important to establish and clarify at what level of governance which decisions should be taken.

Local communities should of course play a leading role in planning the future of their neighbourhoods, but in some cases national interests have to take precedence over local interests, and the planning system needs to provide a transparent and democratic way to strike the right balance. National government should not hide behind the Planning Inspectorate when difficult decisions have to be made. People expect leadership on matters of national importance such as building the high quality homes that we desperately need in the places where they are required to support future economic growth.

The NPPF reforms aimed to simplify national planning policy and bring it into one document, but that simplification has not necessarily led to clarity. For instance, although the ‘presumption in favour of sustainable development’ restated the purpose of the planning system, by not initially defining ‘sustainable development’ and indeed by implying that it really means ‘sustainable economic development’ the Government unbalanced the core purpose of planning. A Labour Government should unambiguously restate the definition of sustainable development as equitably balancing economic, environmental and social objectives. The social purpose of planning in particular is often squeezed out by arguments between the pro-growth economic lobby and the anti-growth environmental lobby, which are vying for the attention of, and are certainly visible within, this Government. A future Labour Government should be a strong advocate of the social purpose of the planning system and reinforce its contribution to providing a more equitable society.

Ed Turner has discussed in his contribution, ‘Building homes for One Nation? Opportunities for reform of land use planning’, further areas in which clear national leadership is required, including political commitment to meeting housing need, some spatial decisions on strategic planning for major housing developments and infrastructure, and in developing better potential fiscal incentives for development to support growth.

The strategic context: post post-regionalism

The regional landscape in 2015 will be much altered from that of 2010, most notably as a result of the abolition of regional spatial strategies. Outside London, England is the only major European nation that does not have a formal system of strategic planning between the national and the local levels. This puts the country at a significant economic disadvantage if it means that strategically-important developments are not properly co-ordinated.

Without turning back the clock, it will be necessary to reintroduce a formal system of strategic planning across economic sub-regions to provide a robust strategic framework within which Local Plans will be prepared by local planning authorities. The sub-regions would need to be carefully defined, but the starting point would be the economic sub-regions defined by the existing Local Enterprise Partnerships, together with the Housing Market Areas within which Strategic Housing Market Assessments and Strategic Land Availability Assessments are already being carried out (which are often coterminous with LEP areas). The combined authority model pioneered by Greater Manchester and being developed in some other city regions provides a model which incorporates formal joint planning authorities.

These new Strategic Planning Frameworks could be drawn up by Joint Planning Boards made up of representatives of local planning and local transport authorities and so would be democratically accountable. The scope of the Strategic Planning Frameworks could be restricted to those matters which require a sub-regional perspective: identification of major growth areas, major physical and social infrastructure, energy and waste, strategic landscape and environmental protection, for example. The plans would be drawn up with full consultation and would be subject to scrutiny by a Government-appointed Inspector in the context of national planning policies.

This would overcome the problems with the current “Duty to Cooperate” which many local authorities are finding is meaningless if the will to proceed with development is absent. A further possibility is the creation of one-off Joint Local Authority Planning Committees to see through certain sub-regional infrastructure such as waste facilities or airport extensions. This would enable a committee to make decisions for significant development that is beyond the scope of a single authority but enables dialogue and transparent decision-making rather than simply hand responsibility to the centre.

What role for local?

Within a framework of clear national leadership and robust sub-regional strategic mechanisms the role of local democratic accountability will need to be clearly defined. It is to the question of which decisions should be taken locally that the remainder of the chapter will now turn. It will be important to consider how and where local flexibility can and should be enabled to ensure the planning system is responsive to local concerns and in so being, sustains legitimacy with local people.

1. Ensuring local involvement in planning

Planning can often be controversial and decisions about local development can be sensitive and difficult. Local people rightly expect to have a voice in shaping plans for development and look to councils to protect their homes and make neighbourhoods nice places to live. The planning process exists to do just that, balancing different interests including those of current residents, potential residents, those in housing need, employers, and the interests of the environment and future generations.

Balancing different and at times irreconcilable interests is not easy, and complete consensus between all involved will not be possible in many cases. However, people need to trust that there is a clear and transparent process in place for consultation, discussion and decision. Decisions taken in an opaque way or at a far remove are open to stronger criticism from those who oppose development, who are able to argue it is being imposed on a community, rather than specifically designed to meet identified needs or be in line with wider local priorities. This is why the principle of local democratic accountability is so important in the planning process.

Yet the Coalition Government has moved away from the principle of local democratic accountability, seeking to undermine it from below with neighbourhood planning which without transparency risks takeover by a well-organised few, and from above by the centralising effects of many of their policies. This can have perverse consequences, for example the decision to designate local planning authorities on the basis of their performance processing major planning applications, which is an expansion of the scope and role of the Government’s planning quango, the Planning Inspectorate. Certainly, poor performance should certainly not be tolerated and the aim of a properly functioning planning system should be timely and high quality decisions. However, as currently set out, the criteria leads to a focus on process targets and the speed of a decision, rather than ensuring the right answer is ultimately reached. The measure also locks local people and businesses out of decision-making on major applications that will affect them. Labour has

been right to indicate that it would revoke this measure in favour of democratic decision-making.

The Government's extension of the nationally-determined permitted development framework further removes the ability of councils as locally elected bodies to influence their local area. Despite their apparent commitment to localism, by removing from local authorities the ability to decide where changes of use would be appropriate, the Government is micromanaging issues which are purely local, with little regard for the possible consequences. Removing safeguards on how commercial properties are used risks draining the life from high streets as local people are afforded less say over the types of businesses and shops on their high streets. This could lead to, for example, grocery shops becoming betting shops, clothes shops becoming payday loan shops – with no ability for the democratic quality control process to intervene to stop either individual cases or the proliferation of particular sorts of premises.

The proposed relaxation of change of use from retail to residential is potentially the most damaging, as these moves will be dictated purely by developers' priorities. In some areas it could see much-needed business space turned into more housing, draining life further from high streets and impacting jobs and growth potential, with no regard to necessary infrastructure. A blanket national approach to permitted development and changes of use with no room for local flexibility reduces the ability of local people to have a say about important changes to their local area, which will be affected in different ways. Labour's support for local powers to establish permitted development rights represents a more credible approach which can better enable high streets and neighbourhoods to develop in a sustainable way.

There is evidence that people support greater local say in decision-making when it comes to planning decisions that affect local areas. A Comres poll carried out for the LGA in 2012 found that two out of three members of the public (68 per cent) were against lax planning rules and 76 per cent wanted government to give councils more powers to improve their high streets in the interests of their communities (Comres, 2012). Some councils are pioneering approaches that meet local concerns, for example Waltham Forest's Fast Food Planning Policy Statement which stops fast food outlets opening in proximity to school buildings, parks and youth centres with the aim of halting the spread of obesity amongst children. This successful approach, since adopted by other councils, shows the value of local knowledge and democratic accountability in taking account of wider concerns such as broader public health priorities.

2. Overcoming local barriers to development – infrastructure, viability and standards

Planning applications for new housing developments are often controversial locally. Councillors report that resident opposition is often the number one barrier to new development. However there is evidence that well designed and appropriately sited homes supported by the necessary infrastructure can make a difference and reduce resident concerns (Raynsford, 2013).

The infrastructure that accompanies development is essential to ensure success and it is not a “nice to have”. The absence of supporting transport and community infrastructure to new housing developments stores up problems for future generations and the wider local community who will continue to live there long after the developer has moved on to another scheme. However, in difficult economic times securing a balance which ensures that necessary infrastructure is in place but does not unnecessarily threaten the viability of a development is a central challenge for planning authorities.

The Coalition Government has made changes to the Community Infrastructure Levy (CIL) that would increase mandatory exemptions and reduce the amount of funding available for strategic infrastructure. The planning system needs to be flexible enough to allow councils to seek infrastructure contributions which are based on locally assessed viability. This would allow local authorities to take appropriate steps to respond to fluctuations in the market which vary from place to place. A proportionate system would include local flexibility over exemptions to CIL and return decision-making over infrastructure contributions to a local level.

The current definition of viability is problematic and needs addressing: a viable development is one that gives a ‘competitive return to a willing landowner and a willing developer’. Rather than give a ‘competitive’ return, a better definition would be a ‘reasonable’ return based on the difference between previous use value and proposed use value. There is a huge amount of guidance emerging on how to interpret viability, but the current wording gives too much away to landowners in particular, for example on green field sites where the uplift in value is significant. The reliance on a ‘willing’ landowner does not recognise the existence of an ‘unwilling’ landowner – i.e. one who is sitting on land and waiting for the most profitable moment to develop it, rather than developing it when it is needed by the local community to meet local needs. Local authorities should be given much more efficient powers of compulsory purchase in this situation, or should be in a position to levy a charge upon such developers where sites are not progressing. Returning decisions about viability to local areas makes sense because assessing the viability of development is not a science and is dependent on many and varied local factors, which cannot be judged at a remove.

Increasing the supply of affordable housing will be an urgent priority for a future Labour Government. The Coalition

Government's reforms within the Growth and Infrastructure Act have watered down affordable housing requirements - developers are currently able to appeal to the Planning Inspectorate to renegotiate the affordable housing element of their Section 106 agreement. This is despite the evidence that local authorities are already taking a pragmatic approach in the current climate - on average they have been willing to accept a level of affordable housing around a third lower than in their local plan. The new right to appeal potentially undermines all affordable housing requirements beyond what is economically viable and encourages “have a go” behaviour on the part of developers. This has shifted the balance of power away from local authorities who have a legitimate role to balance the needs of their communities, in favour of developers who know they can sit tight and hold out for the Planning Inspectorate to overturn the local authority's decision. This also constitutes a further element of centralisation of the planning process away from local democratic accountability. A future Labour Government must consider urgently repealing this measure and ensuring the national framework supports rather than undermines local plans for affordable (in particular social rented) housing.

With regard to standards, there is a real risk that the Coalition Government's “Technical Housing Standards Review” may lead to a damaging lowering of standards in new-build housing in the interests of reducing regulation, which will lead to developments that are of a lower quality. Local standards, examined through the local plan are crucial to ensure that local needs and priorities are reflected in the design and fabric of new homes in a way that does not threaten the viability of a development. Maintaining this flexibility to ensure that there is not an overall downgrading of housing standards through the review process will be an important area for a future Labour government to preserve, probably in the context of clear national expectations for standards to ensure an upwards trajectory.

3. Encouraging investment

Development and new housing growth are central to achieving the shared ambition of addressing the critical housing shortage whilst also attracting jobs and investment. A significant barrier to housing development currently is access to finance for developers. The challenges presented by lack of liquidity in the market are significant, sites are stalling and new homes are not being built at the rate required to meet local needs.

Research into unimplemented planning permissions (LGA/Glenigan, 2012) revealed a sizeable backlog of 400,000 new homes which have received planning permission but have not yet been completed, with building yet to start on more than half of approved plots. It is important to note that councils are currently approving 87 per cent of all applications - a ten-year high – but there is evidence that the economic environment has caused construction to stall. The time taken by developers to complete work on site has increased by several months since the credit crunch first hit, with the longest nearly nine years from permission being granted to homes being built. So consideration should be given to how currently, once local authorities have said ‘yes’ to viable and sustainable residential development through the planning system, their ability to influence how quickly it is brought forward once permission is granted is then limited.

It is in the interests of local areas that developments with planning permission move swiftly forward to completion. So indications from Labour that active consideration is being given to providing councils with more effective tools to encourage sites with permission to be built out are welcome. At a time when house building is still failing to keep up with demand, any policy which strengthens local authorities' ability to respond to the housing needs of their areas is welcome. Where there are legitimate reasons for developers struggling to get building work underway, local authorities will be keen to work with them to overcome any obstacles. Potential new powers to curb land-banking would be a useful option where developers are stalling sites and holding out for higher values.

The Coalition Government's measures to boost demand alone – for example increasing mortgage availability to first time buyers through Help to Buy - risk creating another housing price bubble which will continue to push housing out of reach for many. Instead a future Labour Government will need to combine measures to stimulate demand with a sustained focus on increasing supply and the role councils play here will be central to this.

The cross-party LGA has consistently called for local government to be freed from Treasury restrictions to create headroom to invest in local infrastructure whilst still complying with prudential rules (LGA, 2013). Removing the cap on the amount councils can borrow for housing would allow them to deliver up to 60,000 additional homes in five years, providing much needed housing and unlocking a further £20 billion of wider economic impact thus spurring growth further.

4. Resourcing an effective planning service

The Coalition Government's 43 per cent real terms cuts to council budgets in this Parliament have inevitably had an impact on planning services. As a pro-growth service any reductions in capacity will have an impact on the overall ability of the council to attract investment. In this difficult context and with no end to the financial constraints imminent, consideration could also be given to devolving the planning fee system.

Planning fees are centrally set and the current system does not properly reflect costs, meaning local authority planning

services operate at a loss of around 40 per cent. This equates to a public subsidy of around £110 million each year. It also means that some applicants are heavily subsidised and others pay more than necessary, with council tax payers picking up the difference. So for example under the current system, those people who can afford to build a home extension which increases the value of their house will have their application subsidised by everyone via the local public purse.

It would make more sense to provide local authorities with the flexibility to set their own planning fees which reflect the full cost of delivering the service. This would ensure planning services are adequately resourced, facilitate transparent and fair fee structures and would in reality see fees go down for many commercial applications.

Conclusion

A further structural overhaul of the current planning system would be counter-productive given the upheaval of the last few years under the Coalition Government - a period of certainty and stability is necessary for confidence to return to the system. So, working largely within the structures they inherit, a future Labour government would need to set out a clear separation of plans at different tiers of governance.

National planning policy set by government should set out broad ambition and priorities based on evidence of need and overall priorities for growth. Sub-regional strategic planning frameworks prepared by joint planning boards or authorities facilitate major development and bring forward suitable sites across functional economic areas, while local plans prepared by planning authorities set out local priorities in these contexts and are able to build in responsiveness to residents’ concerns to the system.

The role of local democratic accountability within the planning system is important to ensure complex decisions and competing interests can be mediated as far as possible to achieve the best outcomes for most people involved, and to ensure the legitimacy of difficult decisions that are made.

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12. Community Engagement in Planning: The Key Challenges for Labour

Bob Colenutt: University of Northampton

Introduction

This contribution argues that the two most important tasks for Labour over planning are to rebalance the planning system away from its current domination by the interests of the development industry; and secondly, to combat cynicism about community engagement by creating an alliance between Government and communities over planning and delivering a sustainable and just economic recovery .

Attacks by politicians, the media and the development industry on “the planners” do not encourage the public to see the value in public service planning, or to encourage community involvement. It should be Labour’s task to re-instate the concept of the public interest and of public service into the planning system. Demonisation of planning has fed widespread cynicism in communities about public consultation over planning issues whether conducted by central government, local government or private companies. This is matched by the views of authorities that many communities are inherently NIMBYist.

This is playing into a dangerous tendency led by some commentators to polarise community and government at all levels; to suggest they are separate and in opposition to each other. The truth is that community is not separate from the public sector or the Government. Although there are tensions, community and Government work through each other, constantly interacting and overlapping at many different levels. Labour needs to highlight this symbiosis and work within it. It must develop and deliver its own policies in partnership with communities; it must encourage negotiation between communities and local authorities rather than seeing community as NIMBYist, and must provide the resources directly to communities so they can play an active part.

Public consultation in planning is enshrined in law; it is legally required over Local Plans and planning applications. This is the minimum; many local authorities go much further. The right to be consulted is a precious commodity, acting as a necessary check on how policy is formulated and delivered; Labour must be quite clear that these rights are not negotiable and must be expanded.

The current danger is that consultation and community involvement beyond the legal minimum, such as public involvement to create well designed and managed sustainable places, have “fallen off the end” as austerity measures and pressure to grant planning permission at any price become the order of the day. For example, the Coalition has elevated the importance of “viability” in the assessment of plans and planning applications as part of this rush to cut costs, to prop up the development industry, and get things built, but in doing so it is undermining the public interest value in planning and damaging the democratic legitimacy of the system.

No planning system can please everybody but the challenge for Labour is to ensure it works towards equality, fair distribution, and democratic accountability. It should be an integral part of Labour’s economic recovery programme. Labour’s much discussed major house building programme cannot get anywhere without a well thought out planning system.

The views of the development industry and powerful landowners, with the huge resources they can put into persuading local authorities of their case, must not be the test of good planning but rather the test of good planning should be whether or not it meets the public interest. The current system is increasingly dominated by short-term, developer-led interests that prevail over long term concerns about the quality of places and communities, such as, the mix of housing and jobs, the availability of child care and community facilities, equalities considerations, energy and environmental objectives, public transport, good quality design, and the provision of public services.

There are exceptions to this trend. There are notable community fight-backs and remarkable campaigns and local development trusts supported by local authorities (see www.Locality.org.uk for example). The number of development trusts is growing but there are not enough of them, nor are they big enough to provide a counter balance to the current development system. They take years of tireless battling to get anywhere; and there appears to be little chance to scale up these initiatives. The planning system must allow for communities to play an active part in shaping the environment including creating alternatives from the “bottom up”. For communities to feel empowered in planning they must be closely involved in making local input into Local and Strategic Plan making and also must also be able to bring forward proposals from the grass roots.

“Localism” and measures in the Localism Act purport to address this imbalance but in fact, the Coalition has reinforced the asymmetry because it starts from the premise that Localism must operate within the context of not upsetting the market (or the Government).

“Community” is not a panacea

The term community is ambiguous and sometimes even dangerous because it can be used to divide and exclude. No community is uniform, each has variety and complexity. It is a contested concept that can be used to rally for change or to keep things as they are. At one time “community” was a sociological term, but community is now part of the language of public relations; it is used for different purposes, not always noble, by government, public authorities and the private sector.

Economic change and churn in housing have weakened the notion of settled, place-based communities. Consequently, policy aimed at empowering place based communities can end up meaning very little, leaving open the question of who exactly is being empowered. If Labour is to aim for community empowerment through government and voluntary action (as New Labour did and the Coalition now do), it must think about the purpose of local empowerment, and, in particular, how empowerment fits in with the wider public interest.

The views of the community or localities are important but cannot be the ultimate test of whether a development project should go ahead or not. There will always be a wider public interest or potential public benefit to consider, for example from a public transport scheme, or a leisure centre or from a renewable energy plant. Spelling out this wider public benefit is the task of Local and Strategic Plans.

Rebalancing in favour of communities and equality

Labour’s values must be embodied in planning policy and process. Sustainability in its holistic sense must be put back on the agenda; not simply defined in financial terms (too often meaning protecting the developers’ profit). To begin to rebalance the planning system, the following steps should be considered:

1. An important starting point must be to reverse the totemic and far reaching measures the Coalition has introduced, under pressure from the development industry, to make “viability”, as assessed by landowners and developers, a principal determinant of Local Plans and planning applications. These measures are set out in the National Planning Policy Statement (NPPF) and in DCLG guidance on renegotiating planning conditions and revising section 106 agreements for affordable housing contributions. Current policy allows developers and landowners to object to Local Plan policies, or planning conditions, or section 106 agreements to provide affordable housing, on the grounds that they make their schemes commercially “unviable”. Government is allowing the short-term concerns of the development market to undermine local plans and local authority planning standards. Commercial viability as a primary test of planning undermines the very basis of a public planning system and must be put back where it belongs, as just one consideration among many others (Colenutt and Field, 2013).
2. Planning is becoming increasingly removed from public involvement and scrutiny as more and more decisions are made at Planning Appeals, or under threat of Appeals by applicants. To counter this, Labour should allow a “Third Party Right of Appeal” on planning applications. Currently, while applicants have an automatic right to Appeal if they are dissatisfied with a local authority decision, community objectors have little prospect of getting a Public Planning Inquiry or Inquiry by written representations (unless they have a direct legal interest in the land or property in question). The Appeal process largely exists for the convenience of planning applicants and landowners. This should be changed so that under circumstances of public controversy over planning applications there should be a Third Party Right of Appeal to hear the case of the objectors, even if the local planning authority supports the application. At the same time, the prohibitive costs of Appeals and Judicial Reviews must be re-examined. Planning, because it is a legalistic process, is increasingly heavily weighted in favour of those with money and resources to employ legal representation and expert witnesses. Local authorities are at a disadvantage here, but so are local residents. As far as communities are concerned, they should be able to Appeal or seek a Judicial Review of a planning decision without the threat of costs being awarded against them. This threat currently effectively discourages all but the wealthy and well-resourced from getting a fair hearing.

3. Getting the balance between local community rights and the exercise of policy by central and local government is one of the most difficult challenges facing government, with planning at the front line of this debate. The Localism Act 2011 created new community rights, for example, right to bid; right to challenge; right to build; community asset transfer; and the right to draw up Neighbourhoods Plans. These rights sound attractive but the fundamental problem is that they are not targeted; anyone can take up them up if they have the time and resources. In practice, this has meant that mainly better off communities have taken up these opportunities, consuming scarce Government resources for planning and tilting the system still more in favour of the wealthy. Disadvantaged or poorer communities are missing out (Geoghegan, 2013). The Community Rights in the Localism Act should be retained by Labour but they should be targeted at the most disadvantaged communities with a budget to provide technical assistance.

Furthermore, while the new rights have the stated aim of extending community power over the environment, in fact they are conditioned by strict rules which limit what they are able to do. For example, Neighbourhood Plans must conform to central and local government planning policies. They cannot be used to oppose development supported by local authorities, nor can they conflict with Government policy on planning as set out in the NPPF and other guidance. Such strict rules are unreasonable and undermine community effort. There should be far more flexibility in the consideration of “conformity” when a Neighbourhood Plan is presented for examination. Negotiation should replace adversarial legal wrangling.

Similarly, the red tape that requires written constitutions and business plans by the community and voluntary sector to be vetted by local authorities is over the top, expensive and inhibits community initiative. Local authorities should enable community rights (within reason) to be exercised flexibly. This mirrors the experience in Scotland with the Community Right to Buy measures that got bogged down in red tape and, despite some high profile cases, have made less impact on community ownership across Scotland than many hoped for (McLeod and Brauhnoltz-Speight, 2010).

The Coalition is increasingly adopting the idea that communities can be persuaded to accept development they do not want, such as on-shore wind farms or a new housing development for example, if they are offered a financial incentive by the developer. In effect, public policy is being auctioned. It is hard to see any principle in this approach. There is no attempt to involve the community in public policy development and its implementation rather it assumes that people are inherently hostile and that everyone has their price. Moreover, under the Government scheme the developer pays out, making him pay for public policy. The bribery method quickly leads to corruption. It should have no place in a planning system

4. Planning should give more consideration to evaluating the alternatives suggested by the community. Thus, for some controversial planning proposals, alternative schemes for the disputed site that are put forward by the local community (even if these alternatives are not in the form of a planning application) should be evaluated alongside the applicants’ scheme. At present, planning applications are determined on the planning merits so that alternative ways of developing the site cannot be taken into account directly in determining the application. This could be changed so that in the circumstance of community/resident objection, alternative uses could be weighed up against the application.
5. Changing planning rules is important but equally, involvement in planning should enhance opportunities and resources for community-led development to create community assets. This will not only bring in new, innovative developers as an alternative to the house builders and commercial developers, but also to give communities a direct stake in developing their own communities. The Localism Act appears to endorse this type of action through potential purchase of “assets of community value”, but the reality is different. First, community-led development though development trusts, self-build, co-ops, or purchase of assets of community value (old pubs, shops, public buildings etc.) is encouraged by the Act but is severely restricted by the high costs of land and property, and the expense of buying in the skills needed for community-led property development. This can be addressed by enabling land and property designated for community (non-profit) ventures to be purchased at existing use value (rather than market value), and by encouraging and seed funding community planning and design resource centres at the local level.
6. Community ownership or responsibility for managing places and buildings is a vital part of extending community involvement in planning. Community Trusts, such as the proposed Northstowe Trust developed for the proposed new community of Northstowe near Cambridge, is a model of community management of the new community (Taylor, 2006). Neighbourhood Management under community control, fashionable in the 1990s, should be brought back into consideration. Some developers are interested in models of community management and can be encouraged to seed fund schemes of this kind.

7. The rebalancing of the system in the public interest requires an “open book” approach to information that affects planning decisions. For example, information about land ownership and business finance, if it affects policy or planning application decisions, should be made available to the public. It should not require appeals to the Information Commissioner to disclose reports, for example on land deals or viability. A recent example of the misuse of confidentiality arose during the consideration of proposals for the redevelopment of the Heygate Estate in Southwark, where the public were not able to have access to the viability reports prepared by the developer, or that of the District Valuer.
8. Finally, Labour should take the lead in spreading out and building upon best practice in public involvement. Public consultations in terms of method, the care taken over it, and attention paid to its results varies hugely. The best consultation schemes talk in depth to different sections of the community and do not rely just on conventional methods such as public meetings or exhibitions which tend to attract the “usual suspects” important though these groups are. Recent research has shown, for example, that children and young people are crucial to the vitality of the public realm, holding an immense amount of knowledge about their local environments. Engaging with children and young people gives a good insight into what works well and what lessons can be learned for design and regulation of outdoor spaces (Christensen, 2012). Similarly, Hill and Salter (2004) explain the value of local stories and detailed local knowledge in successful regeneration.

There is nothing to stop local authorities or other agencies undertaking this level of consultation at present, but it rarely happens because it is not regarded as a priority, or does not fit in with the targets culture, may seem costly in the short-term, and perhaps the expertise does not exist in local authorities. Yet building trust between planners, local politicians and communities must be an essential part of community renewal. Public engagement should be seen in the context of long term benefits not short term costs. A long term approach to good planning often appears incompatible with the short-termism of the market or the electoral cycle of Government. Yet it must be role of Government to take a longer term view and to ensure that participation is not a public relations exercise but part of a long term democratic strategy.

Conclusions

A community focus to planning policy and practice, if developed and delivered in partnership with local authorities and other public bodies, can go part way to rebalancing the planning system away from its current property market focus and towards the common interest. The Coalition talks about community and localism, yet it has in fact strengthened the power of the market through National Planning Policy Guidance and subsequent directions about “viability”, and it is now actively encouraging payments by developers to individuals or communities to get unpopular schemes approved.

As part of its national economic recovery programme Labour has the opportunity to stop this slide to crude commercialisation of planning and to resurrect planning as an honourable and necessary part of government and the common good. Instead of the Conservative assumption that the planning system is part of a “big bad state” which obstructs growth, Labour should embrace the planning system as the mechanism to map out its strategy for growth. Communities should be embraced as an essential partner in the delivery of a planned and sustainable economic recovery.

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13. Promoting Fairer Neighbourhood Planning

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Introduction: planning at the neighbourhood scale

Neighbourhood planning has a long and rich history. However, historically planning at this scale, with the exception of some (local authority-led) Action Area Plans and (community-led) Village/Town Design Statements has had little statutory force. Non-statutory plans led by citizens, such as parish plans, have however achieved a great deal in community development terms and also occasionally on planning issues. What is new here is the authority granted to a community-led plan at this scale.

Neighbourhood Development Plans (NDPs) are part of a suite of mechanisms given statutory force through the Localism Act 2011. They can be seen as part of the Coalition Government’s Localism and Big Society agendas but also represent a wider concern to devolve power to communities, expressed rhetorically at least in UK planning since the inception of the 1947 system. Such participatory intentions have grown, if irregularly, since 1947 and Labour was also reaching for more localist approaches in the 2004 Planning Act, notably through ideas of front-loading community consultation in Local Development Frameworks, and more broadly (e.g. CLG 2008), suggesting a widely held political desire for such approaches.

There is thus broad political agreement about the desirability of communities having a greater influence over what happens to the places where they live, work and play. This concern is mirrored by trends in planning research which emphasises the collaborative nature of planning that is demanded by contemporary society (e.g. Healey 2006, 2011).

There are concerns however, the main one being the potential dominance under such approaches of various forms of self-interest. Two forms are often talked of: first, the potential for corporate takeover. Here NDPs can provide apertures for big capital to exploit local communities’ powers to achieve corporate ends, through the development of, for example, so called Tesco Towns. This appears to be largely unrealised to date but the potential for this to occur should be noted. The second area of self-interest lies in potential NIMBYism i.e. that given more say communities will use localist powers to resist development, both of contentious Locally Unwanted Land Uses (LULUs) such as travellers’ sites, homeless hostels, waste recycling plants etc. and of development such as housing in general. For this reason the 2011 NDP legislation is clear that NDPs are permissive- it would be difficult to use them to resist LULUs which should be considered at local plan level. And NDPs can only allocate the same amount or more housing than is contained in the wider local plan. This may be seen as ‘necessary’ framing to get houses built, but it runs counter to the idea of NDPs having a genuine devolved authority which the research literature suggests is needed, or should be expected, in order to encourage citizens to participate. That said, the framing is based on a likelihood that communities may indeed opt for less not more development, running counter to a widespread consensus (at a regional rather than very local level) of the need for more housing, at least in the Greater South East of England.. Although given their scale NDPs are naturally limited in the sorts of things they are going to achieve, like all plans they can:

- Invigorate (ultra) local democracy by providing participatory opportunities to shape place futures and provide arenas to discuss multiple, often conflicting, demands

- Enhance a place’s visibility to all sorts of investors and provide information about place qualities and future plans for communities, investors and others

- Provide certainty for stakeholders about where development/ conservation might happen

- Consider issues and effects of potential actions across time scales and in the light of (potential) cumulative actions

- Consider issues such as housing and employment, while making sure other elements are in place such as open space, transport links etc.

- Help direct development to optimise wider social, cultural, economic or environmental benefits

They can however provide added value beyond that possible with strategic plan making by accessing specific local knowledge, skills, resources and key people. There is also strong anecdotal evidence that local action can generate proportionately far higher levels of community engagement than is typical with strategic plan making. But we should remember that ‘oranges are not the only fruit’ and avoid the trap set by Coalition policy and practice that pushes NDPs as the only choice available and devalues what has become proven good practice over many years. The focus

on development and land use in NDPs means that parish/community plans and other mechanisms such as design statements may be more appropriate for communities depending on the issues facing them (see Place Studio 2013).

Neighbourhood Planning outcomes – the evidence so far

Despite some of the cautions that follow later in this paper, a positive that emerges from some NDPs well underway or completed to date is a more pro-active approach to development than many thought likely. Previous research on parish plans suggested that this could happen, often where a group can be kept together for a long period to deliberate about local issues (e.g. Parker 2012). Thus many NDPs have emerged that have been more permissive in their approach to development (if notably in rural areas) in relation to redundant farm buildings, tourist development in the countryside and in a more general embrace of affordable local housing: the caveat being that it tends to be reserved for locals only. This ‘locals only’ approach is understandable but is unlikely to help solve a general problem of under-provision of housing and may hold back the sorts of in-migration that is useful for local economic growth. It may also be ineffective unless employment opportunities can be forthcoming that provide local jobs for younger community members.

A further positive is that in developing such policy useful local knowledge has been deployed as local people spot opportunities using local knowledge that experts cannot. The neighbourhood scale helps in that policy more applicable to local conditions can be tailored, reflecting local issues and concerns. This has often led to more permissive development regimes which have the potential to be more just e.g. through the provision of more affordable housing. In rural areas this has facilitated an escape of settlement hierarchy approaches to housing allocations although the permissive approach to planning generally through the NPPF makes this less significant. Should the definition of acceptable [sustainable] development be tightened in the future such local departures would be more significant.

Justice, Fairness and Neighbourhood Plans: the evidence so far

There are several ways in which NDPs may be fair or unfair. Given their relative newness most of the evidence surrounds the process of NDP-making, rather than evaluations of the effects of policies and capacity-building activity themselves. There are four questions to ask here:

- what sorts of neighbourhoods are participating in NDP-making?
- who in the neighbourhoods are controlling the process?
- who has had a say in the process of plan-making and what evidence of influence is there?
- what resources have flowed to NDPs and to what use might they have gone otherwise?

These are discussed in turn below.

What sorts of places are making neighbourhood plans?

Two sources of evidence have been examined on this question, both with similar methodologies. In each, neighbourhood plan areas were plotted against CLG’s Index of Multiple Deprivation. The first study, at Newcastle University, looked at the designated neighbourhood plan areas up to the spring of 2012 (Vigar et al 2012). Their results show that wealthier neighbourhoods are more likely to initiate an NDP (see Figure One). The one exception, the relative prominence of the very poorest neighbourhoods (i.e. the tenth decile on the right of figure one), may be a result in the early stages of NDP promotion of Pathfinder areas and the like looking for mechanisms to continue their work given the imminent demise of area-based regeneration funding. Such examples, and others, are however about a local authority or other agency doing the initiation for the community, not the community doing it for itself.

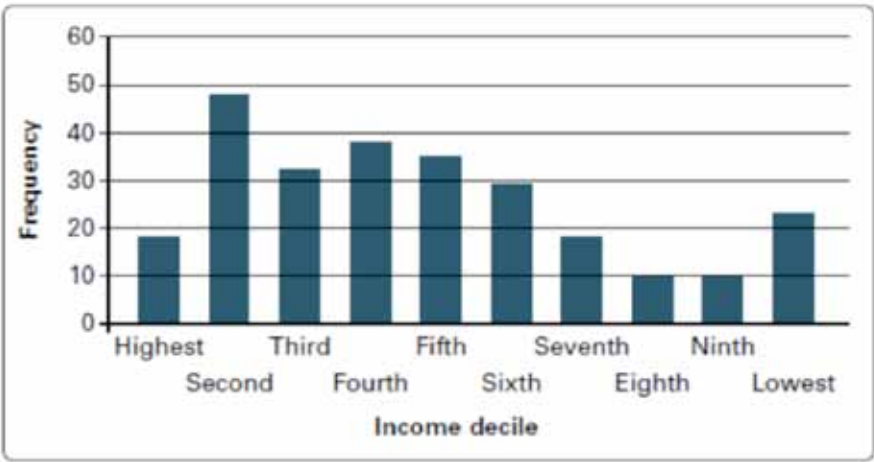


Figure 1 (reproduced from Town and Country Planning July/ August 2012).

This finding was confirmed in more recent work in Planning magazine which looked at over 500 designated areas up to Easter 2013 (Geoghan, 2013). Their results confirm the earlier Newcastle-led work with the most deprived 20% of neighbourhoods constituting just 10% of applications for neighbourhood planning powers, and 8% of approvals. Wealthier areas are thus more likely to make applications (and to be approved) for neighbourhood plan-making.

Who is controlling NDPs?

Neighbourhoods are rarely if ever homogenous entities in relation both to deprivation and to capacities and resources. There is therefore a question as to who within those neighbourhoods is in control. Many NDPs have undoubtedly engaged a number of people in a genuinely useful discussion about the future of a place they care about. Typically a relatively small number (perhaps 6-12) have been at the heart of and managing such processes, with a larger penumbra of people contributing significantly at various points (as well as the often many who are consulted). The capacity built among these individuals and groups through engagement with NDPs should not be ignored or under-estimated, although it is not typically valued in policy evaluation or among professional planning policy communities.

Most of the evidence here is anecdotal but many practitioners have suggested that there is a degree of ‘the usual suspects’ in terms of NDP control. NDPs tend to be more popular in rural parished areas and thus have an institutional apparatus, de facto recognition as a legitimate planning body in the Localism Act (as opposed to a Neighbourhood Forum which has to be approved) and some experience with planning in the past. Parish Councillors are more likely to be older, white, and of middle-high incomes (Kettlewell and Aston 2012). Evidence of who is leading urban NDPs is very thin on the ground. The Localism Act is clear that to be approved as a Neighbourhood Forum those proposing the plan must be broadly representative of the place and this is a useful safeguard, depending on how it is interpreted by individual local authorities. Some fora do have a mixed group of people at their heart and some are clearly comprised of many people new to actions of this kind. There also seems to be a trend in anti-development activists becoming members of NDP steering groups.

It is also worth noting that there have been tensions between some Parish Councils and groups challenging their legitimacy and rival urban groups purporting to represent their neighbourhoods and wanting to set up rival forums. It would be interesting to explore how local authorities are determining between rival groups in such instances and how questions of representativeness are accounted for therein.

Who is having a say in NDPs?

Evidence as to what sorts of people are typically having a voice in NDPs is also rather anecdotal but participatory processes often appear to have been executed in a rather traditional way. Typically this entails holding exhibitions at different points of the process at which views on place futures are elicited. Evidence of who is showing up to such events is again not systematic but our experiences are that it is also the ‘usual suspects’ with wealthier older residents more likely to engage and younger residents, poorer residents, those in social housing and those with families less likely.

Despite many exhortations by a range of bodies, such as the intermediaries funded by CLG (Planning Aid for example), to take a more proactive approach to participation- targeting specific groups etc.- few NDPs seem to have managed this. Many neighbourhoods are wary of targeting, feeling that they have to be even-handed in their approach, hence the approach of exhibitions open to all. However, such an approach fails to recognise that people’s ability to access such resources varies. A targeted approach would also reflect that some may have a larger stake in the outcomes of NDP such

as landowners. In short positive discrimination and targeting is the fairer option. There are some genuine difficulties with this in any case, not least the voluntary time available (the average parish plan requires between 500 and 4,500 hours of voluntary time (Bishop 2010) and a NDP demands much more) and the likely access of some communities to the necessary skills (which again favours wealthier, professionalised communities). In addition, work at local level managed by local people can be challenging for all. Community leaders may find a management or mediation role uncomfortable while local people may be unwilling to open up fully for fear of being alienated in the places in which they live and some may have a business that might depend on local trade and/or harmonious relations locally. As a result a genuinely open debate about contentious issues- renewable energy and housing schemes seem particularly divisive- is hard, but not impossible, to have. Being able to access an external facilitator or mediator can help but there is a general absence of such skills within local authorities and consultants need to be paid.

What resources have flowed to NDPs, and to what use might they have gone otherwise?

The first set of resources to consider is funding, which can be direct or indirect. Direct grants of up to £7,000 are available per neighbourhood planning group on application to Locality (once a group is formally designated). Funding of £30,000 per plan can also go to local authorities from DCLG where plans are underway. This is indirect and it remains unclear how authorities can or should use it. Some must be retained to cover examination and referendum costs but this is never likely to add up to £30,000. Some authorities insist on keeping the remainder to cover their own support costs (see later) while others have announced what proportion will be given to any designated NDP group.

The second resource potentially available to NDP groups is direct support from Locality and its partners, though it has become clear that only a small proportion of NDP groups will receive this (as of summer 2013 they are giving priority to urban groups). Groups receiving this support can also access a direct grant.

The third set of resources depends on how local authorities determine their 'obligation' to support NDP work as written in the Localism Act. Some have given a great deal of officer time to NDP. In one exceptional case we are aware of, a neighbourhood secured around a person-year of skilled senior officer time across the 3 years it took to get its NDP to completion and utilised assistance from Planning Aid as well. Westminster City Council now employs three people to deal with NDPs. Whatever type or amount of staff resource is committed this inevitably diverts resources to places of self-selection not places necessarily of most need. In addition, the increased proportion of Community Infrastructure Levy (25% rather than 15%) that goes to areas where NDPs are in place further distorts the funding towards, as above, the already wealthier communities.

Recent meta-analysis of mainstream local government funding confirms that such processes do shape the distribution of local government resources to benefit 'middle class' areas (Matthews and Hastings 2013). It seems likely that NDPs will distort this further as through the NDP a community can present a clear voice about what their citizens want in their place, and raise awareness of this through the plan-making process among officers, politicians and others.

Towards more progressive neighbourhood planning

The most positive examples emerging to date show that some potentially significant benefits can emerge from NDPs. There are however concerns that have to be addressed to ensure that the real benefits are maximised and available to all on an equitable basis: the four fairness issues identified above provide a template to think about reconfiguring NDP to make it a fairer system. Each is discussed below.

What places could go forward?

One way in which areas that lack the capacities to start and execute an NDP but which might benefit from one is to target such areas directly. These are more likely to be low income neighbourhoods, more typically in urban areas which are further disadvantaged due to the frequent absence of any institutional apparatus such as a parish council and which often have high rates of population turnover. The Index of Multiple Deprivation would be a starting point with neighbourhoods in perhaps the bottom quartile or the bottom two quintiles targeted for intervention or granted extra support. A central fund available to neighbourhoods and local authorities to kick-start such a process could be made available. Or the work could be executed through intermediaries helping with NDP through a direct funding pot. Close collaboration with local authorities would be essential in such circumstances, with intermediaries providing training and performing a number of roles on request related to the capacities required to prepare an NDP.

Some local authorities are doing this of their own accord, but continuing austerity, a perception that NDPs are a party political (i.e. a Coalition policy instrument), cynicism in the planning profession that this is just the latest initiative (and another one will be along in a minute); and concerns about the value and motivations of communities leading planning exercises, mean that few are. Bristol City Council offers one valuable example with a tiered system of support from the authority which targets (i) areas of most development (often the most disadvantaged) and (ii) communities in real need

and without access to money and professionals. Attention to linking NDP processes to other regeneration policies and programmes is also needed.

Who might be in control?

Traditionally much plan-making work has been done by local authority employed professional planners with inputs dominated by other professional classes. Those debating place futures are often then at one remove from the place they are discussing. They are perhaps less passionate and have little or no self-interest in the outcomes. Putting community members in charge of the plan generates tensions here which cannot be smoothed away. There is potentially a greater role for external intermediaries, facilitators or mediators than has thus far been acknowledged to overcome some of the tensions caused by the potential lack of capacities available in certain communities and the inherent tensions of discussing difficult issues among communities themselves.

In taking a pro-active approach to NDP a local authority might identify some community organisations/ champions. Opportunities could be provided to train community champions in participatory and plan-making techniques and provide sharing of experience between wealthier and less wealthy communities (again, as already occurs in Bristol). Planning Aid, which may require continued and further central government support and University planning schools provide opportunities here and in the case of the latter such work could be tied into professional programmes and with student support. There is also a small but growing network of consultants with the relevant skills available to support communities, subject of course to appropriate funding.

Who might participate?

In general terms, the resource that is the planning profession may need some attention. This should encompass better training as to the democratic necessity of, and its potential to, enrich the debate as well as how to do it, whether in initial professional training or at mid-career level. University planning curricula, continuing education services and general practice all need to accommodate such moves but processes of professional acculturation in the workplace are strong. As a result the Royal Town Planning Institute (RTPI) is likely to play a significant role here, as might planners who have been positive about their NDP experience.

Training is especially important when it comes to engagement process design and delivery that ensures genuine access to and the equal engagement of all, and especially those traditionally missed by conventional consultation approaches. The list can be lengthy, including young people, the elderly, the disabled, those on low incomes, even young families desperately bereft of spare time but the point remains that this needs active, thoughtful and careful management. It can also be creative because, for example, young people may well be the most skilled in using social media while elderly people have time that can be used to help access key groups.

A final point on referenda: in one sense these are a form of participation, and they have shown support for NDPs if not dramatically so in terms of turnout. But, referenda may work against good, early, open, collaborative engagement by giving people a tick-box solution at the end. They may thus have little incentive to engage and work towards collaborative solutions. There seems no reason to retain them as long as there are appropriate criteria for community engagement in place, some opportunity for final community validation and the results are fully audited, reported and valued by local elected representatives.

Ensuring spatial justice with regard to resource flows

The current funding regimes, both direct and indirect, and the linking of NDPs to financial tools such as the Community Infrastructure Levy (CIL) does potentially incentivise some communities and some reluctant players in communities to get involved. But it also reinforces inequalities by ensuring the rich get richer: for example, most poorer neighbourhoods will not be subject to CIL as land markets will not bear these additional costs.

The proposal to encourage NDPs in disadvantaged neighbourhoods should help to ensure a degree of spatial justice. This would not be area-based regeneration by the back door but would provide an opportunity for poorer neighbourhoods to corral local resources, build community capacity and have a voice in wider planning debates. However, the funding and support regimes from central and local government need to be adapted so that they are based more robustly on principles of equity and fairness.

The deployment of NDP policies in wider debates about place futures then needs to be closely looked at to avoid bias toward areas with a NDP in place. This is in part a matter for local authorities and planners in particular to be aware of. NDPs need to be scrutinised to ensure that they themselves are fair with regard to the spatial allocation of resources- greenspace etc.

If all the above were addressed then greater participation, and indeed interest in NDPs generally, might also be generated if communities feel secure that having allocated as much land as was in the local plan, local authorities would not then succumb to predatory applications or be subject to the Secretary of State granting permission at appeal. It

seems reasonable to suggest that where sufficient land is allocated and there is a reasonable chance of it coming forward that the presumption in favour of ‘sustainable development’ on land not allocated could be revoked. This would also force developer engagement with the NDP. At present there are good examples of this but many landowners do not feel the need to engage, fuelling an air of cynicism among planners about the NDP process, which further holds up any potential culture change.

Conclusions

One perspective is that NDPs are something of an irrelevance as currently constituted. Whilst by November 2013 over 700 neighbourhoods had started the process, this only constitutes around 1-2% of the population of England. And the Coalition’s framing of them means their hands are tied in terms of much policy direction. Indeed, while some of them would have looked quite radical in 2010, given the very liberal approach to planning taken since they no longer do so. Should planning regulation tighten then they may be more significant in allowing permissive exceptions to the general rule, although this could then create unanticipated pressures in such areas as developers seek the opportunities that a relaxed regime offers compared with other places.

But where NDPs have been implemented the effects on daily life can be quite profound. The preparation process might divide some communities, especially given there are few obvious immediate benefits, but it seems to have developed capacity in others. Locally nuanced relaxations of policies on affordable housing, and use classes may be progressive in the medium term. To axe NDPs would create more change in a system already subject to a great deal that has caused considerable problems for the development industry, as well as reducing morale in the public sector and in those communities that have expended considerable effort to produce their plan.

NDPs also look rather different from the perspective of the communities that develop them, than from the professional planning community which has been dismissive at times. The handful of plans adopted does seem broadly progressive. They can fit with Labour’s desire for institutions that mediate between the harsh winds of globalisation and their impacts locally on issues such as affordable housing, better local high streets and more local jobs. They have few direct powers in this regard but we find here the planning system providing arenas where issues of place futures can be discussed and agreement reached as to ways forward. The process of such ‘groupthink’ can lead to creative solutions and a commitment to implementation shared among diverse stakeholder. The processes involved in making them should however be more inclusionary.

Capturing these benefits more widely requires resources, both financial and human, going into NDP processes. This could be achieved by a more proactive local state and/or through skilled intermediaries. On the first count, the idea of LPAs being able to access resources to target poorer areas for NDP is one way of doing this. On the second point, intermediaries with key facilitation skills will be useful for LPAs to draw on where capacities don’t exist in house. Some resources should also be, as they are now, available universally. Neighbourhoods are rarely homogenous entities and they all need some help to develop inclusive processes: Planning Aid is a very useful existing resource in this area that should not be ignored although its capacity to act has been affected by budget cuts post 2010.

Existing intermediaries such as these are likely to do better than LPA planners. While there appears to be enthusiasm among some LPA planners for doing NDP works (sometimes following initial scepticism), they often do not have the requisite skills or mind-sets (of planning with communities, not for them) to do this work well. Flair and creativity in engagement is essential, as are mediation skills. The package of such skills and the drive to deploy them is rare and not found in every LPA department. That said, in some areas engagement in NDPs has taught planners to talk to communities as equals, or as people with an influential voice, not as consultees in the midst of a rambling process of plan production.

The introduction of Neighbourhood Development Plans into the planning system has been, in principle, a major step forward, building on a slow and (interestingly) all-party commitment to giving communities a greater voice. However, to secure the maximum benefit of NDPs some significant changes are necessary in other parts of the planning system (for example about the standard of engagement in strategic plan making) as well as changes within the procedures, practices and resourcing (in all senses) of NDP work. In addition it is essential to avoid the ‘one size fits’ all approach that promotes only full NDPs and to support communities to take the approach best suited to their situations. Fundamentally, all of this is not about a crude transfer of rights and responsibilities from local authorities to communities; it is – or it should and can be – about the beginnings of a genuinely flexible and collaborative approach applicable at all territorial levels. Such an approach also crucially demands that politicians and professionals sign up to a culture of genuine localism which allows for experimentation and failure and is not subject to continual interference from central government and the Secretary of State in particular.

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Acknowledgements

This piece benefitted greatly from research funded by the Catherine Cookson Trust and from the inputs of Jeff Bishop of Place Studio Bristol. Useful comments on an earlier draft were also provided by Susannah Gunn and David Webb at Newcastle University

14. Helping our High Streets: Empowering Local Communities.

Patrick Clift: *Communications and Public Affairs Manager, British Property Federation*

Background

The British Property Federation (BPF) is the voice of real estate in the UK, representing businesses owning, managing and investing in real estate. This includes a broad range of real estate developers and owners including public and private companies and fund managers, as well as financial institutions and those professions that support the industry. We are pleased to respond to Labour’s policy paper, Helping our High Streets: Empowering Local Communities (Labour Party, 2013). In broad terms, we can see the appeal of the proposals outlined in the paper, but have a number of concerns about them, elaborated below. We also comment on the specific options put forward for consultation and would be pleased to discuss these further.

Summary of the key points

The high street is undergoing significant structural change due to the decline of high street retail – this decline is attributable in part to cyclical economic factors but is mainly systemic and will require local communities to work with businesses and residents to manage this reduced demand for retail and to find alternative uses for empty shops. Positive planning that empowers local communities (the subject of Helping our High Streets) can assist this process, but other solutions are also required. Crucially, we would urge a Labour administration to conduct a wholesale review of the business rates regime, which places a disproportionate burden on ‘bricks-and-mortar’ businesses, particularly retailers. The problem of poor management due to the fragmented ownership of many high streets must also be overcome, through mechanisms such as landlord-backed Business Improvement Districts and Business Neighbourhoods. We recognise and understand the wishes of local communities to be able to exercise the new planning powers proposed in Helping our High Streets but offer the following caveats:

Proposal 1: Preventing clustering; a new use class – We believe that preventing the clustering of “undesirable” businesses should be done through the licensing regime. Using the already-overburdened planning system in this way risks undermining the entire use class system unless the power is extremely limited and subject to significant safeguards.

Proposal 2: Adaptation and locally set permitted development rights – Landlords and occupiers should have as much flexibility as possible to fill empty spaces and so help struggling high streets to recover. Any limit put on permitted development rights must therefore be fully justified by local evidence and examined by a planning inspector as part of the local plan setting process.

Proposal 3: Neighbourhood Planning and a Retail Diversity Scheme – We support greater use of neighbourhood planning on high streets, and sensible, forward-thinking, evidence-based plan making by local authorities, but would be wary of any kind of ‘fascia test’ that discriminated against certain companies to the benefit of others selling similar goods or services.

Detailed submissions

The high street is undergoing significant structural change due to the decline in high street retail. This has been caused by several factors including changing shopping habits, the rise of internet retailing and falling disposable income among consumers. According to the Local Data Company retail vacancy is about 14%, up from less than 6% in 2008, and it is unrealistic to expect that that these shops will be refilled when the economy improves.

The focus of local authorities and local communities must therefore be on working with businesses to manage this reduced demand for retail and to find alternative uses for empty shops. To help facilitate this, the planning system must offer landlords and businesses sufficient flexibility to react to market forces.

The solutions presented in Helping our High Streets (restricting the ability of “undesirable” businesses to trade, allowing local authorities to limit permitted development rights, and helping local authorities to ensure that retail areas are “diverse”) all act against this central principle to a great or lesser extent, and so while we recognise and understand the

wishes of local communities to be able to exercise these powers, we are cautious about how they may be implemented. Particularly, we believe that local authority policies should be evidence-based, rigorously tested by an independent inspector, and carefully limited in their scope and applicability.

The problem of fragmented ownership

Real estate companies are vital to the success of healthy high streets, and we are pleased that Helping our High Streets recognises the role that real estate businesses take in building, managing and investing in the high street. Landlords have, in the main, responded sensibly to the challenging conditions on the high street and have reduced rents, agreed shorter leases and in some cases renegotiated contracts to allow their tenants to continue trading.

The issues identified in the paper that are concerned with achieving the ‘right’ tenant mix can be seen as part of a wider problem of fragmented ownership on many high streets. Real estate businesses (and indeed local authorities) which own and manage an entire shopping centre or retail district can choose to let space to the blend of occupiers they perceive will maximise footfall and increase the value of their assets.

Many high streets do not have this luxury, and the tenant mix and choices made by individual businesses and landlords in these places are largely uncoordinated. To overcome the problem of fragmented ownership we would urge a future Labour administration to allow landlords to play a formal role in Business Improvement Districts (BIDs), and to think further about other ways that landowners might be encouraged to work more closely together, whether informally or through a more formal joint venture arrangement.

BIDs have been a great success in supporting retail districts, and the BID levy provides significant resources for local improvements and attracts additional funding. However, currently BIDs only represent occupiers, denying them the additional private sector funding that a formal role for landlords would bring.

Both BIDs and landlords have long argued for formal property owner inclusion in BIDs so that, subject to a successful ballot result, all eligible property owners would contribute. The Portas Review (into the future of our high streets) also recommended that property owners should be included in BIDs and urged the government to legislate. And yet, over a year on from Portas, this legislation is no closer.

The previous government accepted an amendment to its Business Rate Supplements Bill (subsequently the Business Rates Supplements Act 2009) to allow for property led BIDs in specific circumstances (in an area where a Business Rate Supplement is in place and where there is an existing BID). This was supported by all parties. However, in order to implement this policy there needs to be secondary legislation to provide the detailed regulation for ballots and operation. Additional primary legislation is needed to allow property led BIDs outside of London.

The problem of taxation

Perhaps the greatest barrier to encouraging investment on to the high street is that such investment is actively discouraged by the principal means by which high street occupancy is taxed: business rates. The current business rates regime is fundamentally inflexible (it has no mechanism to allow it to adjust to external economic factors) and distortive (it hands an enormous competitive advantage to businesses with comparatively little need to occupy UK real estate). This has put occupiers, particularly on the high street, under pressure and has made the already difficult decision to invest that much harder for real estate businesses, particularly in non-prime locations. With this in mind, we believe that a fundamental review of business rates is required in order to find a system of funding local services that better reflects the way that businesses operate in the 21st century.

Although it cannot adjust to the wider economy, the business rates regime (at least in theory) can ensure that individual businesses pay their fair share of the total business rates bill through regular revaluation of their property. The government’s decision to postpone the revaluation of business rates until 2017 was therefore not only highly questionable from a theoretical standpoint but also profoundly damaging to many struggling high streets that, had revaluation gone ahead, would have seen dramatically lower bills in 2015.

For example, of the 15 Portas Pilots that data is available for, Colliers International found that 13 will be worse off as a result of postponing the revaluation. Stockport, to take one, has experienced a decline in rental values of 29% since 2008, meaning businesses in Stockport are likely to be paying well over the odds in terms of business rates. Conversely, London’s Soho and Oxford Street have seen an increase in rental of values of 11.5%, meaning depressed northern towns are in effect subsidising more prosperous southern high streets.

Another significant problem with business rates is empty property rates (EPR). The owners of high street shops have been liable to pay full business rates since 2008, before which they received a 50% discount. There has never been any adequate policy justification for curtailing empty rates relief in this way and indeed it has proven counterproductive in that it has prevented property owners from investing in empty properties to bring them back in to use. We would like to see the 50% level of relief restored alongside the empty rates relief for low rateable value properties, and for relief to be extended to cover buildings that are being refurbished or redeveloped – this is valuable economic activity that necessarily involves keeping a building empty and which the tax system should encourage, not penalise.

Policy Proposals

Proposal 1 suggests putting certain businesses into a separate use class and so obliging them to seek change of use permission. The examples given are betting shops, fast food outlets and payday loan companies. While we are sympathetic to local communities who wish to restrict the ability of certain kinds of businesses to cluster in a particular area, we are not convinced that the planning system, which is already overburdened and being asked to deliver many other public policy objectives, is the best mechanism to achieve this. Each of the types of businesses mentioned are already regulated through the licensing regime and we believe it makes more sense to prevent clustering in this way, particularly given that licenses must be updated periodically (unlike applications for change of use). For example, councils already have powers under the Gambling Act to licence betting shops and to address problems by individual premises. We are also unconvinced of the need for additional powers within the planning system. Councils have existing powers to protect local amenity; for example, the London borough of Barking and Dagenham has been consulting on an Article 4 Direction and associated supplementary planning guidance to address the proliferation of betting shops in the local area. Were additional powers to be granted (and we have yet to be convinced that this is necessary or desirable) then they should be based on local evidence, with a carefully defined and extremely limited scope, subject to safeguards and tested by an independent inspector through the local plan-setting process.

Proposal 2 concerns locally-set permitted development rights. Recent moves to expand the range of permitted development rights have been extremely welcome and have allowed landlords and businesses much greater flexibility to respond to market forces and to try and bring empty properties back in to productive use. Local authorities can already use existing powers including Article 4 Directions and supplementary planning guidance to restrict these rights. We believe therefore that any additional curtailment must be fully justified by local evidence and tested on examination by a planning inspector.

Proposal 3 concerns neighbourhood planning and the ‘Retail Diversity Scheme’. The vague wording in the paper makes the policy intent behind this proposal quite tricky to unpack. If your intention is to encourage a greater use of neighbourhood planning by local communities (including both residents and businesses) then this is something that we wholeheartedly support. Government figures suggest that 34 neighbourhood plans have now been published for pre-submission consultation, and that around two thirds include specific policies to support employment and retail in their town or village centres, and we would like to see greater support given boost these numbers further. If your intention is to encourage local authorities to construct sensible, evidence-backed, forward-thinking local plans that include a vision for the development of their retail centres then we would certainly support this too.

Concepts of retail diversity are more problematic, however, and in the current economic climate we would be wary of any kind of ‘fascia test’ that discriminated against certain companies to the benefit of others selling similar goods or services (for example restricting large companies’ ability to trade to the benefit of independent businesses). High street vacancy has increased to such an extent that in most places there is enough empty space for everyone who wants to occupy it to do so, and it seems counterintuitive to restrict the ability of a business to trade when it perceives there is demand for its services, without good policy justification.

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15. Civic Participation in the Planning System

Ian Harvey: Network and Campaigns Manager, Civic Voice

Introduction

The debate about encouraging more participation in the planning system, and indeed in the democratic system itself is not a new one and has taxed successive Governments for years. We have seen a steady decline in turnout at both national and local elections, with the last general election seeing only 65% of the electorate helping decide who governs the country, this being down from 83% of the country in 1950.

More recently when 34% of the local electorate turned out to vote on England’s first Neighbourhood Plan in Upper Eden, this was regarded as a success. This was followed by a turnout near to 20% in Exeter St. James while the third plan to go to referendum, Thame, attracted a turnout of 40%. One has to question whether it is a case of poor communication, apathy, not trusting in the power of the vote, or a suspicion that in cases of planning decision making it doesn’t really matter what people think and say, developers will get their way. Some people say these numbers are a positive, but surely for Localism to be seen to be working; these numbers need to increase significantly.

What belies this trend is the actual numbers of individuals volunteering to do some form of community “service” in their neighbourhood. During 2010/11, the Citizenship Survey from DCLG established that 39% of adults in England had volunteered formally at least once in the previous 12 months, with 25% volunteering formally at least once a month. This shows that with the right cause and purpose, people will turn out and give their support.

In Civic Voice’s experience, what communities want is to be given a voice. People want to be heard and to feel as though they have been listened to. When development is pursued in a manner that respects the community and character of the local area, communities are much more likely to accept it. However people can feel disenfranchised from the process either through a lack of awareness, information, or purely that they don’t feel their voice is heard-often when the reasons behind a local decision they have been campaigning about are not communicated in a clear and transparent way.

Civic Voice represents hundreds of civic societies and other member organisations across England. It was set up in 2010 following the demise of the Civic Trust in 2009. We are the lead voice for the civic movement which is based on a network of hundreds of local voluntary civic and amenity societies in the warp and weft of communities across England. It is one of the largest social movements in the country. The first civic society was set up in the 1840s in Sidmouth and is still going strong today.

Civic societies provide a focus for voluntary and community action to improve the places where people live, work and relax. They champion the importance of these places to decision makers and opinion formers in business, politics, government, the media, the voluntary sector and elsewhere. They play an essential and voluntary role in helping individuals and communities to understand and take action to improve the quality of their life through the place where they live. Civic societies promote and celebrate the best of what is inherited from the past and what is developed for the future. They are a fundamental source of civic pride. Civic Societies can provide the focus and source of information for the community and individuals, offering support, guidance and a voice at local and national level. We believe the planning system has untapped potential to engage people in becoming more actively involved in their community as well as managing land use change and development for the widest public good. It combines vision with necessary regulation and already has a critical part to play in protecting and improving the quality of our cities, towns and villages.

We believe this needs to be strengthened and supported through improved opportunities for public engagement, selective extension of planning controls (not deregulation) and stronger safeguards against abuse. This needs to be further supported by action to remove the mystique, jargon and complexity of planning vocabulary and processes which act as a deterrent to community engagement. Recent research carried out by Civic Voice into the delivery of neighbourhood planning asked what would help support the neighbourhood planning process for community groups. Direct support for communities and helpful local councils are seen as being of most value, whilst it is notable that the need for guidance from government scored a zero response:

- Direct funding and support for local communities (34%)
- Helpful local councils (28%)
- Supportive national planning policies (17%)

- Full coverage of Local Plans by councils (10%)
- Simple rules and procedures (10%)
- Guidance from central government (0%)

Localism

When the Government came to power they were committed to “radically reforming the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live”. Civic Voice supported this ambition.

However, turning political speeches and new legal rights into on-the-ground action will require a significant culture change. While there are clear opportunities for neighbourhood planning to be celebrated, there are also significant challenges being faced. Success will depend not on people simply understanding what they can do as recipients of information but on taking action. This none more so than via neighbourhood planning where it is communities who are the central players in making this policy a success.

However, the introduction of neighbourhood planning comes at a time when the planning system in England is being vigorously challenged by Ministers as a central barrier to growth. The rhetoric is at odds with the Government wanting more people to participate. In an effort to clarify legislation and to streamline the system for local authorities current policy has had an opposite effect by diluting the power of a planning authority and its planning system, as well as bringing a degree of uncertainty to developers and other investors.

So as an organisation that says we need to find more ways to give a meaningful voice to communities, it is probably no surprise that at Civic Voice we listened to our members in putting this paper together.

As a result of this work and consultation with our members we have identified a series of issues which we believe will need to be introduced if the ambition of Hilary Benn MP for “Local communities should decide where they want new homes and developments to go and then give their consent in the form of planning permission” is to be effectively realised:

1. Communities will need to see new safeguards which underpin their commitment and investment in collaborative neighbourhood planning and improve their confidence that neighbourhood plans will not be ignored – these include a carefully defined community right of appeal against the grant of planning permission for development which conflicts with the neighbourhood plan, or is contrary to policies in an adopted Local Plan. . This can be strengthened through stronger enforcement against breaches of planning control.
2. Communities will need new rights to address the “glass floor” problem where local councils or MPs do not or are reluctant to genuinely devolve power to neighbourhoods and share information. Communities need the right to recall.
3. The success of neighbourhood planning will depend on harnessing the passion people have for the place where they live and supporting communities in establishing a positive vision for their area. This goes to the heart of our democracy and the (genuinely) alarming disengagement people are having with politics locally and nationally.
4. Acceptance that the needs in each region or area of the country are very different, so much more discretion needs to be given to local planning authorities to make their own rules/and policies like what is permitted development.

Community Right of Appeal

The planning process remains dangerously unequal. All too often when a planning application has been refused the decision is appealed. The appeals system is managed by the national “Planning Inspectorate” which is based in Bristol. When an appeal against refusal of a planning application has been lodged, the Planning Inspectorate appoints a Planning Inspector to decide on the planning application. Effectively this means that the final decision on the planning application will have been taken entirely out of the hands of the local community. When this happens the result can often be seen as developer power overwhelming that of the planning authority and the community it is designed to serve.

Civic Voice supports the adoption of a Community Right of Appeal that recognises a reasonable and considered “participation threshold”. Having a threshold helps legitimise genuine concerns within communities against a particular development proposal and ensures that local opinion really does reflect a percentage of a community. The grounds for a Community Right of Appeal would be restricted to situations where a Local Planning Authority had departed from

their own strategic policies i.e. Local Plan/Neighbourhood Plan or where it could be demonstrated that the consent was contrary to the National Planning Policy Framework. By restricting the grounds of appeal in this way we believe it would cut out the majority of frivolous or “spoiling” appeals which we know the Government regard as a barrier to Community Right of Appeal becoming policy.

There are four key practical dimensions to determine:

- The time limit. In order to stop the CRA acting as a brake on development the time limit should be as short as possible, even as short as one month.
- The geographical scope of petitions. There is a balance to be struck between considering the view of the community at large and recognising those living in the immediate area.
- Participation requirements. There has to be a realistic chance that enough individuals can be mobilised in order to make an appeal while at the same time not being too low to encourage vexatious appeals
- Restricting to situations where a Local Planning Authority had departed from their own strategic policies i.e. Local Plan/Neighbourhood Plan or where it could be demonstrated that the consent was contrary to the National Planning Policy Framework.

By restricting the grounds of appeal in this way we believe it would cut out the majority of frivolous or “spoiling” appeals which we know the Government regard as a barrier to CRA becoming policy.

Stronger enforcement

When Jeremy LeFroy Tabled the Planning Permission (Financial Penalties) Bill in April 2013, it was a demonstration of a symptom of the general frustration with ineffective planning enforcement action and the realisation that without a real threat of enforcement, development control is pointless. Planning breach investigations generally take a long time, often due to the ever dwindling resources within Council Planning Departments and the ever increasing backlog of complaints. The bureaucracy of Council decision making on expediency and appropriate type of action adds to the process. If an Enforcement Notice or other type of notice is eventually issued, it takes time for that notice to come into effect and if the notice is appealed, time drags out further.

Only once there is an effective notice, and investigations indicate that the breach remains, can a further decision be made on the expediency of a criminal prosecution or taking direct action (the demolition Mr Lefroy refers to). If a criminal prosecution is selected as the way forward, the inevitable to-and-fro on witness statements commences. Mr Lefroy is correct in saying that not many of these matters reach court. When they do, the reaction from the courts is mixed. Mr Lefroy’s Bill attempted to remedy the system by adding an automatic financial penalty. Admirable though it is, this is not where the solution lies. Planning enforcement action has always been discretionary; an ‘automatic’ penalty goes against this principle. Furthermore, enforcement action should only be carried out when expedient, and sufficient checks such as appeals must remain included in the process. I don’t see how Mr Lefroy’s Bill would work in the context of the wider planning enforcement system.

While legislation can always be improved by tweaks, the biggest part of the solution to planning frustration is in rigorous application of existing powers. The heart of the matter is that planning enforcement is not effectively carried out by local planning authorities. Councils already have very wide and effective enforcement powers in the Planning Acts, the Localism Act (adopt a local enforcement plan), and the Proceeds of Crime Act, for example. They simply need to have the courage and political will to use them. Local campaigners can encourage their local authority to prioritise planning enforcement. Because a stitch in time....

Localising permitted development rights

Future Government’s need to accept that the needs of each region and local authority area are very different, so much more discretion needs to be given to local planning authorities to make their own rules/and policies. Some areas need to stimulate their economies and some do not so local planning authorities should be given local powers to allow them to decide what is best for their local community. This goes against the current approach of Whitehall setting permitted development rights across the country. A one size fits all approach.

The current permitted development system allows Whitehall to set permitted development rights and provides local

authorities with limited tools to amend them i.e. Article 4 Directions. These tools are cumbersome and expensive and, as a result, are not well used.

A number of local authorities have highlighted the problem of over saturation of betting shops and the limited tools available to deal with this – e.g. Liverpool, Hackney, Oxford City and Islington Councils all submitted proposals under the Sustainable Communities Act, which sought to provide local areas with greater flexibility through the planning and licensing regime to prevent over saturation and clustering of betting shops.

The Winchester Civic Trust have told us that in Winchester the existing permitted development limits are leading to over large roof extensions with ‘dormer’ windows that are out of all proportion to the original roof which is creating an unattractive visual effect. This may only be a minor issue if only one building introduced this change; however, if multiple buildings in the same street follow this, it will impact on the streetscene. Winchester for example should have the discretion to decide whether to restrict the permitted development limits for this type of development.

Giving councils power to set permitted development rights locally – subject to full consultation and a local impact assessment – could boost development overall, empower democratically-elected councillors, and allow consideration of all local circumstances and individualities for the benefit of growth.

Right to recall

Before the last election all three major parties recognised that the public wanted recall and pledged to introduce it in their 2010 Manifestos. Zac Goldsmith MP makes an impassioned and powerful case for a proper recall mechanism. He tabled a bill that would deliver a proper recall referendum should 20 per cent of voters in a constituency sign a petition calling for one. It allows voters the chance to remove an MP while providing a high enough threshold to prevent an easy vote motivated by simple party politics.

Having a threshold of 20% of the community helps legitimise genuine concerns that local opinion really does reflect a percentage of a community. If politicians want to show they have moved on from the behaviour which led to scandals in the last Parliament, they must vote for a proper recall system. This will ensure that everyone knows that the electorate have genuine power and MPs must attend to this.

Neighbourhood planning

When done well, neighbourhood planning has the potential to strengthen local democracy through participatory approaches, engendering a greater sense of trust between communities and planners/developers, producing more vibrant and attractive communities. Communities deserve quality neighbourhoods and to achieve this people need to be encouraged to actively participate in improving their towns and cities.

For this opportunity to be realised it is clear that communities require much more support and advice than is tailored to their needs. The current support available to community groups is a start, but it does not go far enough. Civic Voice is calling for funding to be made available by future Government’s to allow every local authority the opportunity to appointing a dedicated neighbourhood planning officer. We are also calling on each local authority to appoint a Councillor in the role of “Neighbourhood Planning Champion” in the

IT should be noted that the power of neighbourhood planning will only be truly known when tested against a development against that communities wishes. This is why we want to help strengthen neighbourhood planning by tying it with the Community Right of Appeal.

Conclusion

Communities do not just want to be heard more, they also want to know that if others abuse the system, they will face the necessary action. They also want to know that where a community disagrees with a decision, the Government will support them with tools to challenge such decisions. People want a planning system that equally balances the social, environmental and the economic sides of sustainable development in a way much greater than what we are seeing.

The planning system should appreciate the difference of each local area and ensures the community continues to have a voice. That is true localism and will see more individuals being prepared to come forward and be active citizens.

